DECLARATION OF HEBER JENTZSCH

In writing the attached affidavit I wish to make a brief statement about the religion to which I belong. The Church of Scientology has a long history of creating freedom of thought. It has created a great deal of good in the society for a number of years. It has fought against the depersonalizers (psychiatrists) that have tried to destroy minds. It must be realized that Scientology tries to create good and has no interest in destroying others. The psychiatrists (depersonalizers) who work against the good of Man have no right to create obstacles to efforts to explore the dark places in men's minds. They have no right to destroy freedom of thought just because they wish to dominate.

Scientology has worked ambitiously over the years and has achieved splendid things in the fields of education and drug rehabilitation. It has wisely used its resources in order to bring good to the society. The energy of the church used in bringing about good conditions is well known to all of the parishioners and to many opinion leaders outside the church. The church will expend the time and the effort to bring about a goal of "a world without insanity, without war, without criminals and where honest men will have rights."

As a religion, Scientology has brought reason into philosophy, health into peoples' lives and taught people how to survive. It is our intent to help religion and to help people. Therefore it is necessary that the following piece be written to describe the protracted conflict against the good that Scientology represents so that courts can

understand the actual issues at hand. Whatever the outcome, Scientology will continue to be a symbol of good.

I, Heber Jentzsch, hereby declare and state as follows:

This declaration reviews in detail information contained in sworn deposition testimony, documents authored by or for Michael Flynn himself, his brother Kevin, or other FAMCO (Flynn Associates Management Corporation) employees, court proceedings, newspaper reports and other sources which shed a different light on Flynn's and FAMCO's intentions than they would have the public believe is true. Many of these materials are set forth as exhibits and explained or examined below. It is submitted that this material shows that the Flynn brothers used and intended to use FAMCO in a manner which one could conclude was definitely manipulative and self-serving, and even illegal.

1. The purpose of this declaration is to delineate for the courts the pattern of harassment and abusive conduct instigated and executed against the Churches of Scientology by Boston lawyer Michael J. Flynn and a number of co-conspirators operating as a front group called the Flynn Associates Management Corporation (FAMCO). Said harassment and abusive conduct included, inter alia: 1) conspiracy in the form of a moneymaking scheme in which Flynn and FAMCO promised investors up to a 400 per cent quick return on their dollars; 2) intention to abuse the law by the building of FAMCO, a front group, in order to sell shares to finance litigation; 3) collaboration with forces trying to destroy freedom of Religion and Churches in American life and close work with others engaged in the destruction of belief in America; 4) collaboration with and funding of agents and operatives using brutal "deprogramming" techniques; 5) extensive, personal and malicious harassment of

individual members of the Church of Scientology and of members of the Church in general in order to deprive them of their legal rights; 6) abuse of the judicial process by inundating the courts with massive docket filings as well as apparently frivolous, unfounded and duplicative lawsuits; 7) use of lies in order to manipulate media and government and thus influence pending litigation; 8) use of libel, forgery and other improper means in order to influence pending litigation; 9) repeated and frequent fraudulent representations of activities of himself and associates.

2. Having worked in the office which coordinates legal affairs for the Church of Scientology International for approximately the last two years, I am familiar with Michael Flynn and FAMCO and their activities and have personal knowledge or information and belief as to all charges and allegations as contained herein and Mr. Flynn's opposition to Scientology's creation of Religious Freedom.

3. On August 28, 1980, FAMCO's incorporation papers were filed with the Commonwealth of Massachusetts. (Exhibit 1) The incorporators, as listed on the Articles of Organization (Exhibit 2), were Kevin Mark Flynn, Cheryl Flynn, wife of Kevin, and Michael J. Flynn. FAMCO's stated purposes (Exhibit 2) were as follows:

> "1. To carry on and entertain any business, undertaking, transaction, or operation commonly carried on or undertaken by capitalists, promoters, financiers, contractors, merchants, commission men, and agents, and in the course of such business to draw, accept, indorse, acquire, and sell all or any negotiable or transferable instruments and securities, debentures, bonds, notes and bills of exchange.

"2. To issue on commission, subscribe for, acquire, hold, sell, exchange, and deal in shares, stocks, bonds, obligations, or securities ...

"3. To form, promote, and assist financially or otherwise, companies, syndicates, partnerships, and associations of all kinds, and to give any guaranty in connection therewith or otherwise for the payment of money, or for the performance of any obligations or undertaking.

"4. To acquire, improve, manage, work, develop, exercise all rights in respect of, lease, mortgage, sell, dispose of, turn to account, and otherwise deal with property of all kinds, and in particular business concerns and undertakings."

4. An analysis of documents and sworn depositions from numerous persons reveals that the actual intent of FAMCO was utterly different from its stated purpose. The Flynn brothers instead used FAMCO as a vehicle to destroy. In addition to:

1. Sell shares in hopes of rapidly raising $180,000 to finance litigation against the Church. A "get rich quick" scheme promising $4 for for every $1 invested was designed to lure investors.

2. Solicit clients in hopes of having 1,000 lawsuits in progress against the Church by the end of 1981.

3. Solicit co-counsel based on a fee-splitting system.

4. Arrange for new clients through oppressive, forcible "depersonalizations" designed to make Church members betray their religion and then bring suit for ostensible "damages."

5. Manipulate the news media in order to attempt to create poisonous publicity problems so that the Church would be forced into a settlement.

6. Instigate prejudicial government attacks on the Church's Religion by means of lies and false reports.

7. Destroy the future of the Church financially by creating a large number of individual lawsuits to victimize the Church in inconvenient jurisdictions, solicited illegally using a single person "class action" suit as a front.

5. Flynn has repeatedly sought court orders in federal and state court which would prevent the church from using these documents. These efforts have failed time and again. Indeed, in April 1982, Flynn sought a preliminary injunction against use of these documents. His request was denied by the court less that one week later. The Church been using the documents in order to show Flynn's campaign against First Amendment and the Church of Scientology. Exhibit 3 shows that three separate courts have upheld the Church's use of the documents.

6. The numerous acts against the Religion of the Church of Scientology undertaken by Flynn and his brother, Kevin, via the FAMCO front group, are described in this declaration and are based in part on the poisonous FAMCO documents. The FAMCO documents show that Michael and Kevin Flynn's attempts to perpetrate one of the greatest abuses upon the courts in the history of modern jurisprudence have destroyed countless thousands of hours of court and lawyer time. Their numerous misrepresentations are described in detail in this declaration. Psychiatrist John Clark was part of FAMCO's operation. Clark, who has published poisonous articles against religion in The American Atheist

and elsewhere, was used as FAMCO's propagandist. Michael Flynn's role was summoning up lies, hatred and invective and targetting them to destroy a religion. Michael and Kevin Flynn and psychiatrist Clark worked together to destroy freedom of religion and to bring a First Amendment institution to its knees and to plunder its assets in order to greedily line the Flynns' own pockets.

7. In viewing many pages of documents dealing with FAMCO's and the Flynns' work against the Religion of the Church of Scientology, one overriding theme emerges: moneymaking; the FAMCO front group was to be used in an "all out" effort against the Church of Scientology in order to rip off upwards of $200 million. As described in "Scientology - Review and Planning" (attached as Exhibit 4) and other FAMCO documents, FAMCO was started as a chaos machine to sell shares in the litigation and to solicit and exploit gullible and money-motivated co-counsel.

8. Although Michael Flynn has tried to escape blame for FAMCO by laying it at his brother's doorstep, the facts remain that 1) Michael Flynn was listed as an incorporator on FAMCO's Articles of Organization (see Exhibit 2); 2) Michael Flynn has pursued to the letter the basic FAMCO strategy as outlined in the FAMCO documents. There were four basic goals in this strategy, all aimed to create unhappiness and destroy religious freedom. As shown in "Scientology - Review and Planning" (Exhibit 4), these four basic goals were:

1. Closing Scientology organizations
2. Adverse media
3. Adverse public reaction
4. Federal and state attacks.

The FAMCO plan had as its "primary purpose ... to position ourselves

such that to fight us would be cost ineffective." Attacks against the religion would come from "feeding" media and governments with false and misleading information about the Church and thus influencing them to undertake investigations of the Church. Although Michael Flynn has vigorously denied the implementation of the FAMCO plan as described in "Scientology - Review and Planning," his actions belie this. As is clearly demonstrated in this declaration and attached exhibits, Flynn has been caught pressing an all-out assault to destroy the existence of Religion the Church of Scientology in the four areas listed above. Flynn's associates Thomas Hoffman and Thomas Greene have been in the thick of the litigation with him through the years; they knew of FAMCO and its plans yet apparently did nothing to steer away from the course set by Michael and Kevin Flynn.

9. Michael and Kevin Flynn created in FAMCO perhaps the only business venture in the history of the United States openly dedicated to the destruction of a First Amendment institution. The attached proposal, called the "Class Action Case Development Program," (Exhibit 5) was sent by Michael Flynn with a cover letter to numerous attorneys around the country in hopes of getting them to join his anti-religious extortionistic war. The proposal forecast "one thousand lawsuits [against the Church of Scientology] ... by the end of 1981." (Exhibit 5)

10. Solicitation took various forms, including personal sales pressure by Michael Flynn. Clearwater, Fla. businessman Jim Grey has stated in a sworn affidavit that Michael Flynn visited him in his office and endeavored to enlist him to sell shares in litigation. Flynn offered Grey the position of "Trustee of ... FAMCO in the Clearwater area." As described in his affidavit (Exhibit 6), Grey was told by

Flynn that his duties as trustee would be to "receive, raise and disburse monies which would be used to file suits against the Church of Scientology around the country and therefore break the Church financially." (Emphasis added.)

11. Another example of FAMCO's outrageous activities is shown in Exhibit 7, a memorandum from an attorney, Chuck Diamond. The memorandum from Mr. Diamond illustrates what Flynn represents FAMCO to be all about. The memo asserts that Diamond's old schoolmate, Flynn, "has made a substantial living suing the Church of Scientology." The memorandum indicates that there would be openings for "lawyers in the Los Angeles area who would be willing to undertake the joint prosecution of some of these claims [Flynn's clients'] on a contingent fee basis." It was apparently not mentioned to Mr. Diamond that neither Flynn nor FAMCO ever won a cent from the Church in nearly four years of litigation, and thus Flynn's "prior successes" alluded to in the memo are nonexistent; they are in fact complete and utter delusions. An attorney beguiled into "joining forces" with Flynn because of these "prior successes" and the lure of "a substantial living" as mentioned in the Diamond memo would have linked up based on totally false information and promises. The term "church-busters" as used in the memorandum is appropriate to the context; FAMCO's campaign against the Church comes across as a vigorous attempt to harm and destroy a religion.

12. Flynn's operation against the Church of Scientology was also broadly implemented in the Clearwater, Fla. area, where he actively spread malicious lies and false reports. As stated in the attached declaration (Exhibit 8), Virginia Snyder met with a Clearwater city official and was informed that Michael Flynn had said he hoped and

expected "to get 10 or 12 lawsuits 'going' against the Church [in the Clearwater area] as soon as possible." The official explained that "Flynn's strategy was that if there were enough lawsuits brought against the Church with accompanying expenses that would exceed the Church's income, this would result in achieving the goal of breaking the Church financially." (Emphasis added.)

13. Michael Flynn made bold and sweeping promises to those who might possibly work for or invest in FAMCO. An April 22, 1981 letter (Exhibit 9) dangled "the opportunity to earn substantial monies" as a lure to potential co-counsel in Flynn's cases against the Church. Another FAMCO document (Exhibit 10) promised FAMCO "investors" between $2 and $4 for every $1 invested in FAMCO shares.

14. Up to Dec. 13, 1979, Flynn's law practice had centered on medical malpractice. This changed when Flynn filed a so-called "class action" suit against the Church of Scientology of California. Strangely, this "class action" suit had just one party, a disgruntled former Scientologist by the name of Lavenda Van Schaick.

15. While the "class action" suit was pending, Flynn initiated a series of virtually identical individual lawsuits. Using the Lavenda Van Schaick "class action" suit as a front, Flynn solicited clients who ultimately filed separate lawsuits in remote, inconvenient jurisdictions rather than joining the single member "class." These suits were brought by 27 different persons even though, as stated in the attached affidavit by attorney Nancy Gertner (Exhibit 11), the claims "involve virtually identical complaints, causes of actions, and indeed, verbatim pleadings" as the original, one-person "class action" suit. It is in keeping with Michael Flynn's misleading tactics that he has not filed the motion in

the Van Schaick suit which would legally establish the existence of the "class" claimed to require the "class action" suit. Any good attorney can tell you that filing such a motion is not a difficult process, but winning the motion requires that Flynn satisfy very particular rules. It certainly seems likely that Flynn is afraid to file the motion because he will lose it. Then FAMCO will be unable to hustle more lawsuits using the "class action" suit as bait.

16. The Gertner affidavit also pointed out how Flynn's suits were "designed to tax the Church of Scientology to the breaking point, to inconvenience and harass that institution so that it will be forced to settle with counsel for the plaintiffs [i.e., Flynn and his associates] and to maximize the profits that will accrue to the lawyers." (Emphasis added.)

17. As part of Flynn's "Class Action Case Development Program" (Exhibit 5), he even planned "the organization of international lawsuits in England, Sweden and other countries." (Exhibit 5)

18. In the United States, Flynn planned an enormous volume of litigation in the form of what he called "turnkey" or pre-packaged lawsuits. Via FAMCO, aggressive, far-reaching solicitations were made to attract attorneys to join Flynn's anti-Scientology campaign. "We provide the clients, the damages, the pleadings, the memoranda, the documents, the witnesses and virtually everything required for an instantaneous trial with little or no necessity for discovery," boasted a FAMCO promotion proposal to attorneys (Exhibit 5, p. 13). "This preparation has taken thousands and thousands of man hours of work and hundreds of thousands of dollars," the proposal claimed.

19. These ostensibly valuable fruits of FAMCO's labors were promised to a handful of lawyers who would choose to link up with Michael Flynn in his aggressive attacks against the Church and its religion. Wayne B. Hollingsworth is an example of an attorney that has sought to work with Michael Flynn. As alleged in the attached affidavits and complaints, Hollingsworth repeatedly reneged on agreements with his former partner, attorney Gary A. Pappas. According to Pappas' affidavits, Hollingsworth made off with key assets of their firm and also wrongly appropriated approximately $750,000 from collections and accounts receivable. Pappas is suing Hollingsworth for an accounting of the assets of their partnership; Pappas claims a 50 per cent interest in the partnership, which he estimates had assets totalling $980,000. Pappas succeeded in getting attachments placed on at least $200,000 worth of Hollingsworth's property. (Exhibit 12)

llingsworth is also being sued by attorney Philip F. Mulvey, Jr. for ivities that sound very similar. According to Mulvey's affidavit (Exhibit 13), Hollingsworth violated their employment agreement, taking for himself in July 1982 monies Mulvey had won in one of his personal cases. Mulvey protested Hollingsworth's action, and when Hollingsworth insisted on keeping the substantial sum Mulvey was due, Mulvey indicated he would not continue their association. He began packing his files and personal items, left the office briefly and came back to find his personal belongings in a pile outside the office and his files "missing." Mulvey is suing to recover his files, his money and for other damages as described in Exhibit 13.

20. "Turnkey publicity" was another documented abuse of FAMCO. FAMCO was to provide a "press package" of poisonous material to

lawyers who agreed to participate in "turnkey" lawsuits. FAMCO documents (Exhibit 14) show that manipulation of the media was vital to the success of the litigation; "Future Adverse Publicity" was to coincide with the "Filing of future cases by city and state," and consultations were promised on "effective handling of media."

21. Adverse publicity was a major weapon in Flynn's attack on the Church as graphically demonstrated by the five-page summary attached as Exhibit 14. The multi-pronged anti-Scientology media thrust planned and implemented by Flynn and FAMCO included newspapers, national magazines, wire services, local and national television programs -- even provisions for "Book and Film Rights" -- all aimed at "Loss of Income and Business" for the religion of the Church of Scientology, as stated on the document.

22. In effect bragging that he had the media in his pocket, Flynn claimed responsibility for an incredible amount of publicity adverse to the Church. FAMCO documents listed fifteen separate detailed examples under a section entitled "National Media attention attributable to our office." (Exhibit 14), (Emphasis added.) These include a highly defamatory segment on "60 Minutes," an article in Reader's Digest in which Flynn's name appeared as an advertisement for future suits, wire stories on both Associated Press and United Press International and a sensationalized article in the National Enquirer.

23. The FAMCO documents show beyond the shadow of any doubts that Flynn's motives went beyond merely pressuring the Church of Scientology to settle his client's alleged claims against it. Thus, in a section captioned "Loss of Business to Scientology" in Exhibit 14, Flynn called for an "increased rate of defection" among existing members

of the Religion of Scientology, and described how he proposed to bring that about, including efforts to "influence" Church members "by [a] continual onslaught of bad publicity." It was also hoped to create a deterioration in the Church's image so that "new membership prospects are impaired." (Exhibit 14)

24. The campaign has gotten down to specific tactical targets; as described in Paragraph 8 of this declaration, Michael Flynn has called for specific destructive actions against the rapidly growing Church, including loss of income and closing down five separate Scientology organizations in the United States. One of these so targetted is the Church's splendidly large international training center in Clearwater, Fla. (Exhibit 14)

25. The strategy of endeavoring to bring on prejudiced governmental attacks, spelled out in the "Scientology - Review and Planning" document (Exhibit 4), surfaced again in a FAMCO document describing the "March [1981] Conference." (Exhibit 15) From this document, Flynn's plans to coordinate and promote government and media attacks are obvious. Listed under the heading of "Lead Counsel" are "representatives of Internal Revenue Service and United States Attorney's Office." These "Lead Counsel" are described in the conference notes as "attornies [sic] experienced in handling Scientology litigation."

26. In an overt display suggesting utter contempt for the U.S. Constitution and the First Amendment, Michael and Kevin Flynn plotted how the power of government could be used prejudicially against the Church. Kevin Flynn wrote in the March Conference notes (Exhibit 15) that "issues [at the planned March conference] include ... integration

of government and private sources" for data collection and exchange. He proposed "development of routine litigation support and consultation service between private and government attornies [sic] engaged in Scientology litigation." In the same seminar, he included a segment on "integration of organizational file data" -- this data to come from not only the IRS, but from several other U.S. governmental departments as well. Of note is that Michael Flynn had worked in an IRS office just a few short years earlier.

27. "First Amendment" is listed as a seminar issue on the "March Conference" document: another issue listed in the same section is "state court jurisdiction over Church of Scientology of California." Flynn's attitude over the years has been to view the First Amendment as a mighty barrier to be surmounted in his campaign against the Church, so it is not surprising to see these seminar issues tied together. Nor is it surprising to see that the chief purpose of the "March Conference," as stated on the document, was to "establish efficient communications, data collection and data exchange among government and private attorneys presently engaged in litigation with Scientology organizations and investigation of Scientology activities." (Emphasis added.) These documents make clear that the Flynn brothers' FAMCO, set up as a profit-making corporation, was proposing and seeking direct government collusion to destroy the existence of a recognized religious group.

28. The "Class Action Case Development Program," (Exhibit 5), enumerates the prejudicial government agencies and "numerous media" Flynn and FAMCO have been in contact with regarding the Religion of Scientology, and he boasts that in a certain IRS case involving the Church of Scientology "most of the individuals

testifying are our clients." It seems obvious that the "all out," the anything goes strategy as described in "Scientology - Planning and Review," was put into effect, despite Flynn's vehement denials.

29. The same sleazy document boasts that "Since the initiation of the [Lavenda Van Schaick] class action suit, our group has generated extensive media attention about Scientology including publication of an extremely cogent Reader's Digest article, programs on '60 Minutes,' 'Prime Time,' forthcoming programs on ABC, as well as various local television programs throughout the country and thousands of newspaper articles." Flynn's own words defeat him here, as once again it is seen that the "all out" destructive FAMCO strategy against the Scientology Religion was put into effect.

30. Part of FAMCO's "all out" strategy is demonstrated by the effort to incite federal and state governmental attacks against the Church. Attorney Stephen P. Delinsky, former head of the criminal division of the Massachusetts State Attorney General's Office, was recently quoted in the May 31, 1983 Boston Globe as being sharply critical of Flynn for "trying to use a possible prosecution of Scientologists to assist his own civil litigation." (Exhibit 16) Such efforts by Flynn were candidly described by attorney Delinsky: "I felt that was not the proper use of the criminal justice system, and I felt uncomfortable." Flynn has tried the same technique of lighting legal brush fires elsewhere. In Arizona, it recently came to light that Flynn had spread the rumor that an investigation was underway in the state, and that indictments would be handed down on faithful Scientologists by the

Attorney General's Office there. It appears that Flynn, through his favorite client, Ronald DeWolf, was the source of this fictional information. In lieu of having proper cases, and pursuing them according to established legal procedures, it appears that Flynn prefers to launch a whisper campaign that an investigation of the Scientology religion is occurring and that indictments will be handed down soon and arrests will be made. This occurred in Arizona, in Boston, in Florida, in Los Angeles and even in open court in Riverside, Calif. (see Exhibit 17). Once the poisonous rumor has been launched, his clients or others are induced to call a key government office in the area where the investigation is supposedly underway, and make unfounded complaints about the Scientology Religion. Repeated efforts to stir up investigations of the hugely successful Scientology Religion and to deliberately inflame public opinion against it have occurred in several areas. Such endeavors enhance Flynn's chances in whatever litigation might be underway by poisoning the public's understanding and opinions. Once the rumor of "governmental investigation" gets going, the next step is the tactic of telling faithful members of the Church that indictments will be handed down and that arrests will be made.

31. A document prepared in early 1981 showed that Flynn's plans were such that he looked to get more than $200 million from the various suits he had filed against the Church. (Exhibit 18)

32. Progress in his various cases did not go as Flynn expected. On June 2, 1981, he wrote to one of the Church's counsel, Jay D. Roth, and proposed to settle "all existing cases" for $1.6 million. Included in Flynn's offer was a threat. Unless the Church

made a proposal to him "within the next 14 days," it could expect an "additional 8-10 cases ... commenced in Washington, New York and Los Angeles." (Exhibit 19) Fifteen days later, he wrote again to Jay Roth, this time saying that he was planning "20 additional law suits" and that unless a settlement were made quickly, "we will be left with the sole option of increasing the litigation as rapidly and in as great a number as possible." (Exhibit 20) Such a demand, coupled with consequent filings, suggested both a serious abuse of the judicial process and an apparent proposal to sell his clients down the river. Having ostensibly obtained the trust of 20 additional "clients" and convinced them that it was in their best interests to file suit against the Church, he was nonetheless proposing to drop them cold in order to get money by settling cases already pending, in effect using the existence of these future claims to settle pending claims. It might be readily deduced that Flynn's real aims were not in line with the best interests of his clients, whatever he might be telling them.

33. The Church's legal department discovered something that could account for Flynn's strange behavior in working against his clients' best interests as well as against the Church. In 1979, prior to the filing of the first suit against the Church -- the Lavenda Van Schaick single claimant "class action" suit -- Flynn had been in touch with psychiatrist John Clark. Clark heads a psychiatric front group called the American Family Foundation (AFF), a group whose name belies the fact that it has supported violent depersonalizings and brainwashing techniques to destroy freedom of thought in order to bring about enforced religious "conversions."

Clark's anti-religious stance is well known. In 1981, Clark's attacks on new religions appeared in a Massachusetts newspaper article (Exhibit 21) which quoted him as saying that "Born Again Christians are playing with fire." More recently, in 1982, Clark described some activities of certain Roman Catholic orders as "culty." (Exhibit 22) Clark's intention to destroy religious freedom and create hate appears quite clear from these and other statements.

34. Investigation revealed that the Clark-Flynn relationship began as early as mid-1979 and that the two men had met "many times," according to Flynn himself. (Exhibit 23) In early November 1979, Church attorney Ralph Sullivan reported that Michael Flynn had implied to him that John Clark was planning on financing LaVenda Van Schaick's suit in whole or in part. In the same conversation, Flynn told Sullivan that Van Schaick was "debriefing" to a psychiatrist, and he implied that Clark was the one.

35. The covert extent of the Clark-Flynn collaboration was demonstrated a short while later when the Lavenda Van Schaick "class action" suit was filed. When Flynn filed the suit, he quoted Clark's "dissociation" theory virtually verbatim within the complaint. Curiously, while entire passages were taken from Clark's work, no mention was made of Clark in the pleading, possibly in an effort to conceal Clark's influence and his depersonalizing techniques. (Exhibit 24)

36. The significance of the Clark-Flynn connection looms even larger when one considers that the Church of Scientology has for years sought to expose the evils of psychiatry -- that

psychiatry seeks to destroy worship, to create evil, to create hate and to destroy religious freedom. Indeed, in his 1950 epochal bestselling book, Dianetics: The Modern Science of Mental Health, L. Ron Hubbard, the founder of Scientology, specifically decries brutal psychiatric depersonalizing treatments and describes a humane yet effective method of showing people how they can help themselves and others. Given the historical context of previous attacks on the Church, it is reasonable to suspect that the animus behind the Flynns' and FAMCO's attacks on the Church of Scientology is motivated by pro-psychiatry loyalties.

37. The Clark-Flynn connection turns up again in the "depersonalizations" paid for and carried out by FAMCO. "Deprogramming" is the euphemistic word used to describe a forcible attempt to depersonalize a person and change his or her religious beliefs. John Clark, a vociferous advocate of depersonalizing, was a key factor in by FAMCO's depersonalizing efforts. He delivered psychiatric counselling to many of the former Scientologists connected with Michael Flynn, including Lavenda Van Schaick. The FAMCO-supported depersonalizations played an important role in the entire moneymaking scheme. A person would be kidnapped, held against his or her will, subjected to frightening threats and intimidation and -- if the person was coerced into changing his beliefs -- then brought in to meet Michael Flynn to discuss litigation. One of the persons victimized by Flynn and FAMCO in the depersonalizing scheme was a Scientologist named Steve Miller. As graphically described in his affidavit and his lawsuit against the Flynn brothers, FAMCO and others (Exhibit 25), Miller

was held against his will and harassed, badgered and threatened relentlessly for three days by three men in a vain attempt to get him to destroy the existence of his religious beliefs. The three depersonalizers allowed Miller no privacy, going so far as to remove the bathroom door from its hinges so that, in Miller's words, there was "a clear and unobstructed view of all portions of the bathroom." (Exhibit 26) Kevin Flynn, president of FAMCO, who simultaneously acted as private investigator for his brother, candidly admitted in deposition testimony that the unsuccessful depersonalizing of Miller cost Miller's parents approximately $10,000, FAMCO's "fee" for its "services" in arranging to have Steve Miller "confronted" by depersonalizers, (Exhibit 27).

38. In depersonalizing, the violent tools of psychiatry have been turned loose against all religions. Religious leaders of all faiths have decried the brainwashing, mind control attempts to destroy freedom to believe that has occurred during the process cleverly mis-named "deprogramming." Like Nazi torturers, depersonalizers wage a constant assault to destroy the mind of their victims by as many channels as possible. This all-out assault includes forbidding their victims to eliminate their waste without permission, not addressing the victim by his or her proper name, stripping the victim of his or her clothing and placing the victim where he or she cannot clean himself or herself. This "re-education" process also frequently has included violence. Beatings and rapes are common, as indicated by articles and affidavits attached as Exhibit 28. Thomas Ward, for example, a Phi Beta Kappa graduate of Notre Dame, stated that depersonalizers

"punched and beat me until my face was swollen and bloody." Arthur Roselle was jumped by a depersonalizing party of 12 men who smashed him to the floor, cutting and bruising his face. His hands were bound tightly behind his back for three days, and he was beaten in the face. Monte Pelto was taped to a bed so tightly that his feet literally turned blue. He was kept motionless on the bed for seven days, his captors loosening his bonds only long enough for him to roll over and urinate into a cup. Lark Brightman suffered a broken leg and a severely sprained ankle in the course of her violent abduction. A pregnant woman in California was assaulted, stripped to her underwear, thrown against walls, and when she tried to escape, dragged on her back by four depersonalizing thugs -- each of whom pulled on one of her limbs. The atrocities of depersonalizing have been condemned by innumerable groups such as the National Council of Churches and the American Civil Liberties Union, and by such prominent individuals as Billy Graham and Archbishop Fulton J. Sheen, who described it as "brainwashing, often done for huge profit and ... sinister and violent." (Exhibit 28)

39. The man known as "the father of deprogramming" is Ted Patrick, a thrice-convicted felon who views virtually every group, from the U.S. Marine Corps to the Roman Catholic Church, as a "cult." Patrick has worked closely with John Clark, the FAMCO psychiatrist. Patrick also personally deprogrammed Joey Flanagan, who subsequently took up the same venal practice for FAMCO. Flanagan was paid by FAMCO to perform depersonalizations, and was one of the three men involved in the failed depersonalizing of Steve Miller described in Paragraph 37. Flanagan has admitted in sworn

deposition that he personally brought at least five persons to Michael Flynn after they had been deprogrammed. (Exhibit 29) At least two of these were influenced to bring suit against the Church of Scientology after being put into a suggestible state following days of torturous depersonalizing not unlike the insidious, painful "brainwashing" techniques used on American servicemen by Chinese Communists during the Korean War.

40. Considerable pressure was brought to bear by the FAMCO depersonalizers to get persons to renounce their religious beliefs. Christopher Lloyd Garrison and Ellen Lee Garrison were two such persons victimized by FAMCO, the Flynn brothers and Joey Flanagan in a deprogramming attempt. On August 9, 1980, upon entering the home of relatives, the Garrisons were surrounded by 10 persons, including strong-armed goons, one of whom hovered over Mr. Garrison "menacingly, in a fixed karate stance." (Exhibit 30) The goons and depersonalizers were led by Joey Flanagan, who was working directly for Kevin Flynn, president of FAMCO. All were being paid by FAMCO. What followed for the Garrisons was a nightmare in which they were kidnapped, held against their will, threatened and terrorized continually for nearly two days. After being forcibly imprisoned by Flanagan and his henchmen, they were taken away in the back of a truck against their will to a remote cottage where they were held under close guard. Throughout this time, their beliefs were ridiculed, the founder of their religion vilified. The deprogramming was unsuccessful, yet both Flanagan and Kevin Flynn continued to abuse the Garrisons over the next month. According to the suit the Garrisons filed against Kevin Flynn, Joey Flanagan and

others, Kevin Flynn repeatedly threatened that they would be arrested "unless they agreed to join as plaintiffs" in Michael Flynn's class action suit against the Church. (Exhibit 30)

41. The magnitude of the FAMCO effort to procure persons that would sue the Religion of the Church of Scientology is also shown in the April 13, 1982 deposition of Kevin Flynn, wherein he admits that each week he talked with "as many as five or ten parents or spouses or whatever" who had relatives in the Church. The obvious object of such conversations was to sell the relatives on the idea that something should be done about getting their relative to leave the Church, at which point Michael Flynn would potentially have another depersonalized client. (Exhibit 31)

42. Attempts to unravel the bizarre FAMCO scene have been met with a barrage of lies and obfuscation on the part of Michael Flynn. Faced with a mountain of evidence on the subject of FAMCO's improper and disgraceful activities, Flynn has sought to crawl away from any connection with FAMCO, stating in the June 1, 1983 Boston Globe, for example, that he "rejected" the FAMCO scheme because to have done otherwise would have given "the appearance of impropriety." (Exhibit 32) It is understandable that Flynn was so concerned with the appearance of FAMCO. The reality of the matter of course is that FAMCO was implemented, as additionally evidenced by sworn testimony of Kevin Flynn, (Exhibit 33). Kevin Flynn admitted that FAMCO paid depersonalizers for "the services provided to Mr. Miller" from its own bank account. Joey Flanagan admitted that he was paid by FAMCO's check for "the Steve Miller deprogramming" and for other depersonalizations; Kevin Flynn

"handl[ed] the money," (Exhibit 34). In fact, Kevin Flynn admitted (Exhibit 35) that others besides Flanagan were paid by FAMCO for the depersonalizations. Just as Michael Flynn cannot change the fact that the FAMCO "all out" effort to destroy the future of religion was implemented, he cannot hide the FAMCO checks written for depersonalizations.

43. The Boston Globe article cited in Paragraph 42 also mentions Flynn's claims that he "rejected" the FAMCO idea in June 1981. This is another Flynn misstatement, as demonstrated by Exhibit 36, Kevin Flynn's admission that at the time of his sworn deposition on April 13, 1982 -- 10 months after Michael Flynn asserted the idea had been rejected -- FAMCO was still in existence. By June 1981, moreover, FAMCO's dirty hand had been hard at work for more than a year, engaging in depersonalizations and other goals to destroy.

44. Michael Flynn's misrepresentations to the media and to the courts have served to distract attention from his own and FAMCO's misdeeds. Recently, for example, in seeking to portray himself as being "harassed" by the Church, he claimed that 12 lawsuits have been filed against him by the Church (Exhibit 37) and stated that he has succeeded in getting nine of these dismissed. He does not enumerate any of the 12, and not surprisingly, considering that only seven have been filed by the Church, and that five of the seven are still pending: two for libel, one for theft, one for conspiracy to violate civil rights and one for abuse of judicial process. Flynn misrepresents the number of suits in order to cover up the fact that it is he who is abusing the judicial process, as

evidenced by the "all out" FAMCO strategy aimed at destroying the courts' time with 1,000 frivolous and malicious lawsuits. (Exhibit 38)

45. The first libel suit against Flynn was filed in U.S. District Court in Los Angeles, Calif. on Aug. 4, 1983. It charged that he had "intentionally and recklessly" poisoned the good name of the Church by telling a group of persons that the Church had attempted to tamper with his airplane before an October, 1979 flight to South Bend, Ind. Flynn never mentioned the incident until nearly three years after it supposedly occurred. No report of the incident was ever filed with the proper authorities. This failure to report such an incident is a curious anomaly when one considers how litigation-prone Flynn appears to be and how this imaginary incident, if it were real, would have lent itself to a large personal injury claim. Flynn made the statement and "knew it to be false," the complaint states, and the Church is seeking $2 million in damages. (Exhibit 39)

46. On Aug. 15, 1983, the Church filed a second libel suit against Flynn in U.S. District Court in Boston. The suit charged that Flynn knew he was making a false statement when he told a newspaper reporter from the Clearwater Times that the Church of Scientology had "infiltrated the offices of the Volusia County, Florida court system, interfered with the United States mail and intercepted and stole checks he had mailed to the Court in Volusia." (Exhibit 40) These outrageous statements by Flynn were not substantiated with a scintilla of evidence or documentation. Flynn apparently filed no complaint with the U.S. Postal Service or

with any law enforcement agency concerning the alleged infiltration or missing checks -- a marked inconsistency for a man engaged in such massive litigation against the Church and its work. Scientology tries to create good and has no interest in destroying others.

47. Flynn had originally written a check to the Volusia County court system following his being slapped with criminal contempt by Judge J. Robert Durden. This check was reported as being "dishonored," i.e., bounced, in the Nov. 20, 1982 Clearwater Times. (Exhibit 41) In the Times article, Flynn went to great lengths to try to distract attention from his bounced check -- seeking to instead turn the public eye on the religion of Scientology. Yet Flynn's financial history reveals that this bounced check was not an isolated episode. In 1976, as the attached affidavit (Exhibit 42) shows, Flynn wrote a bad check for $6,500 from his personal account, even though he knew he did not have enough funds in the account to cover the check.

48. The Volusia County episode exemplifies the tactic of "misdirection" frequently used by Flynn in order to evade questions regarding his personal and professional conduct. Other questionable tactics -- adopted by Flynn both inside and outside the courtroom -- are described in detail by attorneys that have had to deal with those tactics.

49. Attorney Roger Geller noted in an affidavit how, as Flynn's cases have lost ground, Flynn's behavior in the courtroom has become increasingly rude and desperate. Instead of relying on the forces of reasoned arguments and legal precedent, Flynn has

followed this procedure: "insult defendants, verbally attack their attorneys, and engage in haranguing diatribes against the defendants' religious beliefs and practices ..." (Exhibit 43)

50. Attorney Sanford M. Katz has likewise noted that Flynn's tactics have become geared towards destroying time in the justice system as he sees that legal motions have increasingly been in the favor of the Church. The Katz affidavit (Exhibit 44) states that Flynn's "evasive and dilatory tactics have succeeded thus far in bringing the action at bar to a complete halt."

51. Flynn's conduct during depositions taken in the Lavenda Van Schaick case finally became so outrageously insulting and objectionable (destroying the time of all concerned) that the U.S District Court in Boston granted a Church motion to appoint a Master -- an officer of the court specifically authorized to take testimony or to perform other functions -- for all depositions and discovery in that case. As the document submitted in support of the Church's motion (Exhibit 45) noted: "all of the depositions taken ... in this case to date in which attorney Michael J. Flynn has participated have been characterized by improper and obstructive tactics by said attorney." Deposition transcripts were "rife with instances of Mr. Flynn's answering questions for the witness, coaching the witness, rephrasing defendant's questions to his liking, and insulting both the defendant and its counsel." Similar obstructive and unprofessional behavior on the part of Michael Flynn in at least three other cases made it necessary to seek the appointment of Masters to supervise depositions in those cases as well. (Exhibit 46) Flynn's conduct in depositions has time and

time again been rude, obstructive and harassing. Apparently, there is no limit to the destructive conduct of Flynn when depositions are being taken, even though this is a legal arena normally governed by certain closely prescribed rules of behavior. During the July 21, 1980 deposition of Tonya Burden, for example, Flynn interrupted the deposition to leap across the table in front of Tonya and rip from her hands the diagram she had just drawn of the crucial area in which she claimed she had "crawled" and "hid" before leaving the main building of the Church of Scientology's International Retreat Center in Clearwater, Fla. Flynn crumpled up the diagram, shoved it into his pocket and refused to allow it into the record. This was an important piece of evidence on a matter in which her testimony had been directly contradicted and refuted by her own uncle, as described further in Paragraph 57. Given this repeated conduct, one could conclude that it is Flynn who has structured his clients' stories and will go to virtually any length to prevent the true facts from emerging, even from the mouths of his own clients.

52. Flynn's questionable behavior has been recognized by the courts. One criminal contempt finding against Flynn was mentioned in Paragraph 47 of this declaration. Another contempt finding came recently in the Riverside, California probate case, where Flynn was fined by Superior Court Judge J. David Hennigan for releasing documents the court had sealed. That contempt ruling was upheld, despite Flynn's request for reconsideration, on August 19, 1983 and on that same date, Flynn's client, Ronald DeWolf, was found liable to pay court costs in the probate case. Flynn had prepared the original pleading in that case, and naturally pushed it for

maximum media attention by including an incredible volume of false, scurrilous allegations regarding the founder of Scientology, L. Ron Hubbard, and the Church itself. The invective and poison contained in Flynn's legal papers were spewn out to the news media primarily via DeWolf. The allegations included the vicious lie that L. Ron Hubbard was either dead or mentally incompetent. This lie was exposed when the case was thrown out of court in June (Exhibit 47) and L. Ron Hubbard found to be alive and entitled to his privacy. After Flynn and DeWolf lost the case, their ulterior motives for filing the case were revealed: they wanted to attack L. Ron Hubbard personally and subject him to further litigation. Such an abuse of the judicial process had apparently been organized into two phases or steps long before the original motion came close to a decision. Thus, DeWolf stated in a radio interview on July 14, 1983: "that ticular decision really opened up a terrible Pandora's box for [L. Ron Hubbard] in that it now, in the legal sense, makes him quite reachable ...Step One was to achieve a decision of whether he was missing or not and then now we're involved in preparing Step Two which is further litigation." (Exhibit 48) This transparent plan was recognized by the Court when it disqualified Flynn from acting as counsel. The Court found that Flynn purported to be representing Mr. Hubbard's interest in the probate case in order to "protect his estate," yet at the same time was suing Mr. Hubbard in various courts across the land -- an obvious conflict of interest. (Exhibit 49) Michael Flynn has already embarked upon Step Two; his most recent spurious suit is described in Paragraph 60.

53. DeWolf, L. Ron Hubbard's long estranged, disinherited

eldest son, had signed his name last November to a declaration written by Flynn containing gross, absurd lies in an attempt to destroy people and life, Scientology and Mr. Hubbard. This declaration ostensibly formed the basis of the probate action seeking control of Mr. Hubbard's assets. While Flynn was able to attract some media attention to the sensational misstatements which were woven into the pleading and the declaration, the light of the legal process disclosed the truth and the case fell to pieces.

54. The departure from the facts exhibited in Michael Flynn's probate motion is shown by the document attached as Exhibit 50 where DeWolf frankly admitted that he had no direct knowledge regarding Scientology or his father since 1959, and that anything after 1959 DeWolf learned through Michael Flynn. Yet the declaration -- prepared and written by his lawyers -- failed to disclose this crucial fact and left readers with the false impression that it was based on firsthand knowledge and observation.

55. By about mid-1982 the Church had turned around a great deal of the litigation that Flynn had brought and it was beginning to win on the legal front. It was around this time that Flynn drew up his plans for the probate motion discussed above. Around this time also, a personal check of L. Ron Hubbard's drawn on a cash reserve management account handled by the Bank of New England in Boston was stolen and a duplicate was made by an offset photolithography technique. The amount of the check and the check number were changed, and the signature was traced in ink. An individual presented the counterfeit check for deposit at a New York City bank. The individual tried to open an account with the check, but was refused because he didn't have proper identification. He

strangely left the bank and never returned. The bank in New York City reported the incident to the Bank of New England. After L. Ron Hubbard's personal business managers stopped payment on the check, the Bank of New England immediately started an internal investigation to find out how its security could have broken down. Investigators from Security Management Services, Inc. of Boston found the bank's security to be outrageously weak and reported this to the vice president in charge of the cash reserves management section of the bank. The next day, the investigators were fired. Flynn learned of the events regarding the check and, after omitting vital information and adding sensationalized items with no basis in fact, he wove the tale of the "forged check" into the probate petition and declaration for Ronald DeWolf, as described above in Paragraphs 53 and 54. Among the wildly poisonous claims was the assertion, since proven false, that L. Ron Hubbard's own close associates and the Church of Scientology were responsible for the forgery. Because there had actually been an incident involving a forged check for a large amount of money, the false and distorted statements contained in DeWolf's declaration took some time to be exposed, keeping the petition in court for so long. As with other flamboyant Flynn allegations and accusations, this wild charge was geared to attract publicity and served to give the probate filing national media attention. Subsequent inquiry revealed that the initial investigator on the forged check case was a neighbor of Michael Flynn and had dealt with Flynn previously on a disrelated matter. The investigator, Joseph Snyder of Security Managment Services, Inc., was misdirected on his investigation by Flynn, whose "speculations": and suggestions to Snyder on the matter were designed to support Flynn's "theory" as described above. Such speculation ended up

being transmitted to the Bank of New England as factual information. Further investigation also revealed that Security Management Services, Inc. had an informant in the bank who sometimes worked in the cash reserves management section and who had access to cancelled checks, including those of L. Ron Hubbard, during the time that the check in question would have been lifted out of the cash reserves management section for counterfeiting. Careful investigation furthermore turned up someone who had worked in the bank at the time of the forgery who swore that he had seen Kevin Flynn, president of FAMCO, in the cash reserves management section earlier. Kevin Flynn, for his part, left town and in fact left Massachusetts about the time the investigators came to question him on the episode. Thomas Hoffman, one of Michael Flynn's associates in anti-Scientology litigation, "warned" the investigators that they should stay away from Kevin Flynn, stating that Kevin wanted nothing to do with Scientology anymore. Thus, Kevin Flynn has so far been able to avoid being questioned in the matter. The entire matter of the forged check suggests that efforts to manufacture allegations against the Church and L. Ron Hubbard know no ethical bounds.

56. Michael Flynn's misrepresentations occur so frequently that it is difficult to keep tabs on them. For example, although it is welldocumented that Flynn has yet to win so much as a penny from the Church, and he himself has admitted that his cases against the Church have been "an unending continuous loss" (Exhibit 51), he frequently will present information to the media or to others claiming that he has won a motion or that his cases are doing well. An example, curiously, is from the very same speech where he claimed that his record had been "an unending continuous loss" against Scientology. Later in that same speech

he claimed "Every major motion we have won ... no suit has been dismissed." Exhibit 52 contains a sampling of the many motions Flynn has lost, once again demonstrating his inability to face and handle reality.

57. The factual shadings which have come to characterize Flynn's work both in and out of the courtroom are also characteristic of statements from his clients. For example, Tonja Burden, a Flynn client, described in a detailed affidavit how she had "escaped" from the Church of Scientology in Clearwater, Fla. by crawling through an air conditioning duct. (Exhibit 53) The truth of the circumstances of Burden's departure was dramatically different: she was free to go, and simply walked away when she wanted to. The truth was detailed in a sworn deposition by her uncle, Donald G. Burden, who met her at the Fort Harrison Hotel, (the Church-owned building from which Tonja supposedly escaped), waited for her in the lobby, and walked out with her, later returning together to pick up her personal items. (Exhibit 54)

58. Tonja Burden's unreliability as a witness can be seen in her original affidavit and subsequent depositions, which are riddled with inconsistencies. Not surprisingly, her affidavit, like that of Ronald DeWolf, was not written by herself. In a deposition on April 22, 1982, Tonja stated that "I don't write any of thisstuff up. My attorneys do that because I'm not -- what's the word? Literate enough to do it." (Exhibit 55) The author of the such documents, Michael Flynn, has apparently forgotten that the substance of those complaints should conform to reality. But it should be remembered that FAMCO's "turnkey" lawsuits (see Paragraph 18) were ostensibly set up so that "everything required for an

instantaneous trial" was provided by FAMCO. This included "pre-packaged" claims for damages which -- as can be seen in case after case -- did not hold up once the Flynn FAMCO client was questioned at a deposition. Richard Peterson, for example, had alleged fraudulent misrepresentations in his original complaint, prepared by Michael Flynn. However, in deposition, he directly contradicted what had been charged in the complaint, stating that he felt the Scientologists he had dealt with had been very sincere. He described the people on the staff at the Church of Scientology as "honest, ethical people. They think they are doing the right thing. Most of them are the most wonderful people I have met. They are very nice, polite. They don't commit crimes. They don't harm you. It is a very ethical group." (Exhibit 56) In fact, all the other plaintiffs in that "turnkey" lawsuit -- Jane Lee Peterson, Carol Garrity, Paul Garrity, Thomas Jefferson and Dana Lockwood -- making the identical charge, nonetheless admitted to believing that the representations made to them had been sincere, leaving one with the firm opinion that Michael Flynn weaves his complaints from whole cloth.

59. One of Flynn's favorite venomous charges against the Church is that the Church allegedly has as a matter of policy violated the priest-penitent privilege by disseminating information obtained from parishioners in the confessional process. However, just as Flynn accuses the Church of numerous wrongful activities which he commits himself, the alleged violation of privileged communications is yet another routine procedure of Flynn's. Thus, as recently as June 25, 1983, Flynn addressed a gathering of persons

and brazenly sought to create negativeness and hostility towards the Church. During this speech, Flynn freely discussed the personal lives of several of his clients and in the process revealed intimate details regarding their personal and sexual lives. Ironically, three of these people -- Lavenda Van Schaick, Janet Troy and Marjorie Hansen -- were the very persons he was claiming to be representing to protect them from these very disclosures. Such conduct is worse than hypocritical -- it causes pain for his clients. The group he was addressing was not in any way connected to or involved with litigation regarding these clients, revealing this information to them was a glaring violation of the confidentiality such clients should have enjoyed. Once again it appeared that his clients' best interests took a back seat to Flynn's frenzied efforts to generate adverse public attitudes wards the Religion of Scientology by any means at hand. Although Church retains a copy of a transcript of this event, in the interest of protecting the privacy of Flynn's clients which he so cavalierly ignores and preventing them further pain, I will refrain from re-issuing it as an exhibit to this declaration.

60. It was not enough for Michael Flynn to launch his "all out" assault against the Church using former Scientologists as pawns. On September 7, 1983, he went into direct competition withhis clients, suing on his own behalf using old familiar charges from FAMCO suits. This latest frivolous and malicious lawsuit directly parrots suits he filed earlier on behalf of his clients and appears to be motivated by pure greed. Until Flynn's meritless suit is thrown out by the Court, the Flynn and FAMCO "all out" strategy

of attempting to destroy the future of religion for people by any and all means is still fully operational. Michael Flynn is currently pushing this new case for his own personal gain, and drumming up media publicity for his wild claims. This suit names only the founder of Scientology, L. Ron Hubbard, whom Flynn knows A) has nothing to do with the charges being made and B) is not likely to respond to the outrageous allegations. It is likely that Flynn has named only Mr. Hubbard in hopes of obtaining a quick default judgment rather than be exposed as unable to prove his imaginative allegations. In papers filed in this suit Flynn already has conceded his purpose in the California probate petition to locate Mr. Hubbard so that he could serve him with a subpoena, (Exhibit 57). Again Flynn's collateral purposes for initiating litigation are revealed in his own documents.

61. The cumulative effects of Flynn's attacks on the Religion of the Church of Scientology as well as his activities in handling of his own clients have rebounded to his detriment, as witnessed by the contempt rulings in Florida and California (Exhibit 58), and by the judgment against his principal client, Ronald DeWolf, in Riverside, ordering him to pay court costs in that much-publicized probate case.

62. Michael Flynn's efforts to marshall forces to destroy the existence of a religion are unique not simply because he attacked the Church for money, but because his fundamental goal was to go beyond moneymaking and seek to drive a religious group out of existence. Nearly four years of costly and abusive attacks based on Flynn's scurrilous, venomous and underhanded efforts to prejudice

public opinion and get media and governmental organizations working against the Church have not daunted the Church's determination to create a brighter future and to continue helping people around the world. The Church at this writing is doing so. (See Exhibit 59) While it is beyond the scope of this declaration to chronicle the grievous damage caused by Michael Flynn's and FAMCO's poisonous activities, destruction of Belief and vituperations, it is sadly true that the distractions and commotion they have created have interfered with the Church's efforts to create good conditions of benefit to all people by devoting all its energies to that objective. Our religion remains dedicated, however, to that end.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California this _____ day of _____, 1983.

_____

Heber Jentzsch

161191

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SECRETARY OF

3 27 PM 3

BOSTON, MA

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION
GENERAL LAWS, CHAPTER 156B, SECTION 12

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of $ 125 having been paid, said articles are deemed to have been filed with me this 28th day of August 1980.

Effective date

MICHAEL JOSEPH CONNOLLY
Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION

PHOTOCOPY OF ARTICLES OF ORGANIZATION TO BE SENT

Michael J. Flynn
13 Hunt Street
Boston, Mass. 02129

FILING FEE: 1/20 of 1% of the total amount of the authorized capital stock with par value, and one cent a share for all authorized shares without par value, but not less than $125.00 General Laws, Chapter 156B. Shares of stock with a par value of less than one dollar shall be deemed to have par value of one dollar per share.

Copy Mailed SEP 11 1980

Ex. 1 to Ex. F

FORM 294 HOBBS & WARREN, INC.

The Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY
Secretary of the Commonwealth
STATE HOUSE
BOSTON, MASS. 02133

CONFIDENTIAL 2

ARTICLES OF ORGANIZATION

(Under G.L. Ch. 156B)

Incorporators

NAME	POST OFFICE ADDRESS	
Include given name in full in case of natural persons; in case of a corporation, give state of incorporation.		
Kevin Mark Flynn	12 Union Wharf	Boston, Massachusetts
Cheryl Flynn	12 Union Wharf	Boston, Massachusetts
Michael J. Flynn	12 Union Wharf	Boston, Massachusetts

The above-named incorporator(s) do hereby associate (themselves) with the intention of forming a corporation under the provisions of General Laws, Chapter 156B and hereby state(s):

1. The name by which the corporation shall be known is:

Flynn Associates Management Corporation

2. The purposes for which the corporation is formed are as follows:

1. To carry on and entertain any business, undertaking, transaction, or operation commonly carried on or undertaken by capitalists, promoters, financiers, contractors, merchants, commission men, and agents, and the course of such business to draw, accept, indorse, acquire, and sell all or any negotiable or transferable instruments and securities, including debentures, bonds, notes and bills of exchange.

2. To issue on commission, subscribe for, acquire, hold, sell exchange, and deal in shares, stocks, bonds, obligations, or securities of any public or private corporation, government, or municipality, and to hold, purchase or otherwise dispose of shares of the capital stock, bonds, debentures, or other evidences of indebtedness created by any other corporation or corporations, and while the owner thereof to exercise all the rights and privileges of ownership, including the right to vote thereon.

(continued on page 2A)

80-241031

NOTE: If provisions for which the space provided under Articles 2, 4, 5 and 6 is not sufficient additions should be set out on continuation sheets to be numbered 2A, 2B, etc. Indicate under each Article where the provision is set out. Continuation sheets shall be on 8 1/2" x 11" paper and must have a left-hand margin 1 inch wide for binding. Only one side should be used.

is as follows:

CLASS OF STOCK	WITHOUT PAR VALUE	WITH PAR VALUE		
	NUMBER OF SHARES	NUMBER OF SHARES	PAR VALUE	AMOUNT
Preferred				$
Common	100			

4. If more than one class is authorized, a description of each of the different classes of stock with the preferences, voting powers, qualifications, special or relative rights or privileges as to each class thereof and any series now established:

None.

5. The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are as follows:

None.

6. Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or for its directors or stockholders, or any class of stockholders.

None.

2A.

3. To form, promote, and assist financially or otherwise, companies, syndicates, partnerships, and associations of all kinds, and to give any guaranty in connection therewith or otherwise for the payment of money, or for the performance of any obligations or undertaking.

4. To acquire, improve, manage, work, develop, exercise all rights in respect of, lease, mortgage, sell, dispose of, turn to account, and otherwise deal with property of all kinds, and in particular business concerns and undertakings.

Ex. 1 to Ex. E

3/1/82

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

COPY

LA VENDA VAN SCHAICK,
Plaintiff,

v.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., ET AL.,
Defendants.

CIVIL ACTION
NO. 79-~~2941-G~~
2491

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MEMORANDUM AND DRAFT CONDITIONAL ORDER

March 30, 1982

GARRITY, J.

At the outset of the hearing yesterday on motions relating to possession and use of documents allegedly taken by the defendant from the trash and office of plaintiff's attorneys, defense counsel made an offer which essentially mooted the issues scheduled for consideration. The defendant's offer was occasioned by the court's memorandum of decision and orders filed in this case on March 26, 1982, which dismissed the class action portions of plaintiff's amended complaint. In the light of this dismissal, the defendant offered to return to plaintiff's counsel all documents and copies of documents in their possession, and agreed to file a letter of representation or similar submission assuring that they would not use any of the documents recovered from dumpsters used by plaintiff's counsel, or allegedly stolen from the firm's office, in connection with this litigation; and that such filing would further assure that defendant would not use any of these documents to harass the plaintiff, plaintiff's attorney or any of plaintiff's witnesses or potential witnesses in this litigation. Counsel's explanation of defendant's offer is that these documents relate only to issues in plaintiff's class action claims and that, those claims having been eliminated from the case, defendant no

longer has any use for the documents in the possession of its counsel of record in this case. Copies of these materials had already been furnished to plaintiff's counsel in accordance with this court's order of September 14, 1981.

The defendant Church of Scientology of California, or its California attorney, possesses in California either the originals or other copies of the documents in the possession of defendant's counsel of record in these proceedings, and approximately 7200 more papers taken from the trash or office of plaintiff's counsel. On September 14, 1981, the court entered a protective order forbidding the defendant Church of Scientology of California from transferring, disseminating or destroying any of these materials. The defendant's request for modification, filed February 19, 1982, sought a modification of the September 14 order to permit the use of these documents in depositions and court filings in four civil actions pending in the United States District Court for the Central District of California.

As explained at some length on the record of yesterday's hearing, this court will not undertake to establish or regulate all aspects of the [illegible]ive parties' rights and liabilities regarding these materials. Issues involving the possession and use of these materials are no longer directly relevant to the instant proceedings and involve questions which are more properly litigated and decided in an independent proceeding or in other cases to the extent pertinent. On the other hand, plaintiff's counsel should have an opportunity, before the court vacates its order dated September 14, 1981, to seek a similar order in connection with other litigation or to take other steps toward establishing their rights in

these papers. Accordingly, our contemplated order, of which a draft is attached, would vacate the protective order dated September 14, 1981 only conditionally, i.e., effective 10 days after the surrender of the documents in the possession of defendant's counsel of record and the filing of the written representations stated orally by defense counsel at yesterday's hearing.

In a related matter the court yesterday treated plaintiff's request for production of documents located in California, filed September 25, 1981, as a motion to compel the production of such documents and ordered that copies be furnished to the plaintiff within 30 days, the cost of copying to be the subject of a further order of the court.

In order to enable counsel to make suggestions as to form, the court is issuing the attached draft order. The parties may, before April 2, 1982 at 10:00 a.m. file suggestions for modifications or direct the court's attention to any variances between the court's oral rulings at yesterday's hearing and the terms herein provided. Finally, this conditional order is without prejudi[illegible]aims and rights of any of the parties in any other proceedings.

Draft Conditional Order

After hearing and after further consideration of plaintiff's motion filed September 4, 1981, and defendants' request filed February 19, 1982, of memoranda of law filed by the parties, and oral arguments and representations made at a hearing on March 29, 1982, it is ordered that the court's protective order dated September 14, 1981 be vacated effective 10 days after (1) delivery to plaintiff's counsel of all documents, materials and copies thereof taken from the trash or office of plaintiff's counsel which are now in the possession of counsel of record for the defendant, and

(2) filing in these proceedings written representations signed by defendant's counsel of record that (a) said delivery encompasses all such materials in the possession of defendant's counsel of record in this case, (b) the defendant Church of Scientology of California will comply with the provisions of the court's order dated September 14, 1981 until the order is effectively vacated, and (c) the defendant will make no use of such documents in these proceedings whether as evidence or to harass plaintiff, plaintiff's counsel, plaintiff's witnesses or potential witnesses.

It is further ordered that the defendant Church of Scientology of California shall produce within 30 days copies of all papers and materials taken from trash originating in the office of plaintiff's counsel or allegedly taken from said attorney's office, estimated to total 7200 in number; subject to a further order of the court regarding allocation of the expense of making and delivering photocopies to plaintiff's counsel.

W. Arthur Garrett

United States District Judge

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT DEPARTMENT

NO SUPERIOR COURT DEPARTMENT 54258

MICHAEL J. FLYNN,
Plaintiff

vs.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.,

CHURCH OF SCIENTOLOGY OF BOSTON, INC.,

KEVIN TIGHE, ROBERT JOHNSON, and DAVID ADEN,
Defendants

VERIFIED COMPLAINT SEEKING INJUNCTIVE RELIEF

JAN 3 1982

INTRODUCTION

This suit arises out of the unlawful taking of documents taken directly from the inside of the offices of the plaintiff and documents taken from a "dumpster" on the premises or adjacent to plaintiff's offices. The documents at issue were taken from plaintiff without authority by several of the defendants acting in concert and have not been returned.

PARTIES

1. Plaintiff, Michael J. Flynn, is a member of the Massachusetts Bar with offices at 12 Union Wharf, Boston, Massachusetts.

2. Defendant Church of Scientology of Boston, Inc. ("CSB") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with a principal place of business at 448 Beacon St., Boston, Massachusetts.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

(9A)

AC 82-0139-CV

MICHAEL J. FLYNN

vs.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., ET AL.

ORDER

This matter came on for hearing on the Petition of the plaintiff for interlocutory review filed by the defendant on April 15, 1982, and was argued by counsel, whereupon upon consideration thereupon and of the memoranda submitted by the parties, it is ordered that the petition be and the same is hereby denied.

By the Court (Rose, J.),

Nancy Turck Foley

Assistant Clerk

Entered: April 16, 1982.

(A)

JAN 81

Scientology - Review and Planning

Review

The Scientology cases over the past year has consumed a significant amount of our time. A rough estimate surely places it above 75% for Kevin, Mike, Tom and Tom. Review at this time is necessary to determine just what path the Scientology cases should take. We have a varierty of alternatives to consider. To date our efforts reflect a passive investigation of Scientology, that is getting our name out (Class Action-Media) and letting information flow back (so far productive and cost efficient), followed by the filing of a few selected cases. (In hindsight we now have many indivdual cases as good or better than those chosen). 4

Although it's premature to say we have reached the crossroad or critical decisions time of any Scientology case a clear outline of what we want to achieve with Scientology is both prudent and necessary. In this fashion we can proceed one way or the other and streamline our own time rather than follow the haphazard routine of reacting to situations as they arise, such as keeping our few cases current and plodding along toward their trials.

Planning

The planning stage can be described in outline form that covers three principal areas: First, Phase Down-Keep our cases current-try to settle get out, Second, continue keep these cases add one or two good ones listen to settlement keep work time minimal, thirdly all out-primary purpose settlement.

A. Phase Down

Advantages	Disadvantages
Future Cost	$ Loss to Date
Time Spent	Time Investment
End Hastles	Future Revenue

1) React to lawsuits
2) Drop Hartwell - to far (crossed out: A Phase Down of Scientology)
3) Attempt Settlement
4) Inform all Ex Scn of plan after settlement
5)

B. Continue Small Growth

1) React
2) Add 1 Or 2 good cases
3) trim costs and time
4) Listen to settlement
5)

C. All Out

An all out effort would engulf a great amount of our time. Its primary purpose is to postion ourselves such that to fight us would be cost ineffective coupled with potential of:

a) closing orgs
b) adverse media

EXHIBIT A PAGE 1

c) adverse public
d) Fed & State Attacks

To Institute this plan

Cost $ Time 1) Prepare demand letters from list to Scn. Orgs c.c. ed to central org

$ 2) Arrange co-counsel try to organize demand letters with follow up of complaints in few cities for cost effectiveness

$ 3) Hire on limited basis if necessary para legal or fresh grad students cheap

4) More "open" conversation such as Tom H. with Benjoya

5) Continue feeding media in all pertinent cities

Possibilities

1) Informer - Dana Plan

2)

Note: Preparation time table necessary from everyone

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Loss of Income and Business

A. Adverse Publicity

1. Local Newspaper activity in cities where clients reside and lawsuits have been filed:

   a) Television appearances on newspapers and talk shows - (i.e. Boston news programs and morning talk show, Good Day)

   b) Newspaper commentary - local journalist have keyed upon criminal and tortious practices of Scientology members - (i.e. Boston Globe, Boston Herald, Real Paper, have published articles critical of Scientology practices as alleged in local complaints; Clearwater Sun, St. Petersburg Times, etc. have likewise exposed Scientology practices in outlined in local suits.)

2. National Media attention attirbutable to our office:

   a) UPI and AP wire services have written and transcribed numerous stories for their stories for thier clients, Burden complaint and accusations re: L. Ron Hubbard; Dr. Lawerence Stifler and physical attack by Scientologist; LaVenda Van Schiack class action.

   b) 60 Minutes - our own office assisted Allan Maraynes in production of Scientology documentation by providing witnesses and documents.

   c) Time Magazine - our office provided extensive witnesses and documents to Evan Thomas.

   d) Prime Time - our office assisted Stephanie Meagher with documents and witnesses in preparation of documentary or Scientology.

   e) Reader's Digest - "Scientology: Anatomy of a Frightening Cult," assisted Gene Methvin with documents and witnesses.

   f) St. Louis Dispatch: assiting Bill Freivogel with fits supporting documents and witness corroboration.

   g) Las Vegas Review Journal - assisting Sherman Frederick with facts, supporting documents and witness corroboration.

   h) ABC San Fransico - We have assisted Tim Finely with facts supporting documents, and witness cooroboration.

   i) Clearwater Sun - we have periodocally assisted Richard Leiby with a series of articles regarding Scientology.

   j) National Enquirer - assisted N.E. reporter with background information for article about Presely estate.

   k) Snapping - Conway & Seigelman consulted extensively with us while writing their book. We provided them with particular documents.

l) Riverside Free Press - we assisted Dick Lyneis with documents, witness, affidavits, and other background information regarding Scientology and the Gilman Hot Springs Operation.

m) Los Angeles Times - weprovided L.A. Times reporters with clients affidavits while they were preparing a series of articles on Scientology.

n) The American Lawyer - did a report on Michael Flynn and the class action in Federal Court in Boston.

o) Boston Globe - we assisted Paul Langer with witnesses, documents, and affidavits.

II. Future Adverse Publicity

A. Filing of future cases by city and state

1. "Turnkey" publicity

a) press package including
- prime documents
- witness statements
- previous news articles
- previous media attention

b) consultation with associate counsel re: effective handling of media and re Scientology tactics in harassment and intimidation of media.

B. Trial of future cases

1) public dissection of internal Scientology operation

2) media coverage of trial testimony and evidence:

-sales techniquw
-missue of auditing information
-criminal activities
-Guardians' activities
-financial policies, banking and transfer of funds
-disconnect and fair-game
-false scientific claims
-sexual misconduct
-R.P.F. and imprisonment
-military structure and discipline
-"sec checking" - E-meter as a lie detector
-OT 3 materials
-L.RON Hubbard personal history
-debt collection techniques
-Scientology use of burglary, electronic surrveillance, third partying
-blown student doctrine

C. Judicial Precedents

1) news impact of judges decisions
a) Garrity
b) Kretzman
c) additional cases

2) professional publicity re claims filed and jury verdicts

D. March Conference (see seperate section)

E. Book and Film Rights

F. Loss of Business to Scientology

1) increased rate of defection

a) present members are influenced by continual onslaught of bad publicity and public exposure of Scientology "dirty laundry"

b) potential defectors are influenced and encouraged byexistence of organized group of ex-Scientologists who are sueig Scientology

c) potential defectors can . easily locate and meet with organized ex-Scientologists and receive support from them.

2) new membership prospects are impaired by growing public awareness of viscious, greedy, criminal, fruadulent and conspiratorial aspects of Scientology, and by awareness of organized group of ex-Scientologists who are critical of Scientology.

Loss of Income and Business

I Adverse Publicity

-Local Newspaper Activity in cities where client and lawsuits are
-T.V. Appearnaces
-Radio Talk Show
-Newspaper Commentary

-National Media Attention
-UPI and AP Services
-60 Minutes Assistance
-Time Magazine
-Prime Time Show
-Readers Digest
-St. Louis Dispatch
-Las Vegas Review Journal
-A.B.C. San Francisco
-Riverside
-L.A. Times
-The Zetetil
-American Lawyer
-Boston Globe-Herald
-Snapping
-Clearwater Sun
-Canadian Newspaper
-National Enquirer

Alan Haraynes
Evan Thomas
Stephanie Meagher
Gene Methvin
Bill Freivogel
Sherman Frederick
Tim Finley
Dick Lynes
Paul Kurtz
Paul Langer
Conway&Seigelman
Richard Leiby

II Future Adverse Publicity

-Filing future cases by city and state

A. Turnkey Publicity

1. Press Package
   a. All Documents
   b. Wit[illegible]
   c. Client[illegible]
   d. All other
   e. National
   f. media exposure

B. Trial of Future Cases-

A dissecting of internal Scientology practices.

1. Media Coverage of Trial Testimony and Evidence
   a. Sales Technique
   b. Recruiting
   c. G.O. Activities
   d. Misues of Auditing Files
   e. Finanacial Policy
      -examination of management of transfer of funds between organization for jurisdictional purposes
   f. Scientology Policies
      1. Disconnect
      2. Fair Game
      3. Bl[illegible] Student
      4. Hubbard Policy to Harrass and Delay

5. Third Partying
6. Bair and Switch

C. Judicial President Precedents

1. New contacts of Judges Decisions

A. Judge Garrity
B. Judge Krentzman

2. Professional Publicity

D. Future National Publicity
- Movie Rights
- Book Rights
- (see present adverse publicity)

E.
1. Local Media Coverage — To be held in Clearwater (Seminar)

1. Clearwater Sun
2. St. Petersburg Times
3. T.V. Stations
4. Local Media Attending from other states

2. Professional Publication
1. Atla Magazine (American Trials Lawyers Association -(ed. note)
2. American Lawyer
3. etc.

3. National Media Attention

Loss of Income

A. Boston Org
B. N.Y. Mission
C. Las Vegas Org
D. Las Vegas Mission Closed
E. Flag at Clearwater

January 21, 1981

(1)

(2)

CLASS ACTION CASE DEVELOPMENT PROGRAM

I. INTRODUCTION

In June 1979, La Venda Van Schaick, contacted us for the purpose of initiating legal claim on behalf of herself and others against the Church of Scientology and L. Ron Hubbard. At the time, La Venda told us of events, policies, and operations conducted by the Church of Scientology against former members, critics, and individuals that the organization for one reason or another had decided to investigate. La Venda related a remarkable story of fraud, harassment, covert operations involving electronic surveillance, theft, frame-ups, defamatory attacks and fraud. La Venda brought with her documents to corroborate much of what she said and she placed us in immediate contact with others who although initially were fearful, corroborated La Venda's story.

After La Venda reduced her incredible story to an Affidavit, a group of lawyers was formed for the purpose of initiating a preliminary investigation of Scientology and for the purpose of conducting preliminary legal research to ascertain the feasibility of a lawsuit or multiple lawsuits. A lexis scan was obtained which revealed hundreds of suits involving the Church of Scientology. Telephone searches of various media people indicated that the organization had been given at that point a minimal amount of media attention but that various individuals such as Paulette Cooper, an author from New York and Robert Kaufman, a former

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Scientologist, had attempted to expose Scientology through various publications. The organization had succeeded in silencing to some extent these authors and removing their books from publication through vicious frame-ups, defamatory attacks, and costly lawsuits resulting in the bancruptcy of Paulette Cooper's publisher and the inability of Kaufman to get his book published.

During the organizational stages of our investigation, we learned that a suit against Scientology was then being tried before a jury in Portland, Oregon. The plaintiff in that action had only been in Scientology for a short period of time, approximately nine months and had only paid them approximately $3,000. In comparison with cases in our files, the amount of damages in this Portland case seemed relatively minimal. However, the jury was shown documents belonging to the organization and the jury heard a description of the methods by which the organziation extracts money which were so fraudulent, harassive, and vicious in nature that the jury returned a verdict of approximately $2,000,000.00, of which approximately $497,000 involved damages for intentional infliction of emotional distress, 1.5 million dollars in punitive damages and only $3,000 in actual damages. To lawyers unfamiliar with this organization, the result would seem to be grossly excessive but in the context of the operational practices of the organization and the written policies it has pursued, the verdict was probably on the low side.

After the Portland, Oregon verdict, which is currently on

appeal, our group increased its investigatory efforts, hiring a full-time investigator, employed additional legal staff such as law students and para-legals for the purpose of probing deeper into the organization and expediting proposed lawsuits. Our investigation put us in contact with various governmental agencies including the Internal Revenue Bureau, the Washington, D. C. United States Attorney's Office, the Department of Labor, the State's Attorney's Office from Clearwater, Florida, various state governmental agencies from around the United States, and the Federal Bureau of Investigation. Our investigation also put us in contact with Paulette Cooper, Gabe Cazares, a mayor in Clearwater who had been viciously victimized by Scientology, various civic leaders from Clearwater, and numerous media people including the Reader's Digest, the National Inquirer, newspaper reporters from around the United States, Time Magazine, "Sixty Minutes", "Prime Time", and miscellaneous investigative reporters and media personnel.

During the Fall of 1979, we learned that nine of the highest ranking members of the organization were about to go on trial for perjury, burglary, larceny, conspiracy, and miscellaneous other charges relating to break-ins and thefts of documents from the United States Attorney General, the Justice Department, and the Internal Revenue Bureau. Documents detailing these misdeeds by the organization and documents reflecting thousands of examples of conduct outrageous beyond description were seized by the FBI in a raid on Scientology headquarters which raid netted somewhere

in excess of thirty thousand documents. The evidence against the nine high members of the organization was so compelling that they signed a 284 page Stipulation of Evidence with approximately 1500 exhibits attached, which details an incredible story of criminal activity by the organization. This Stipulation of Evidence and a Sentencing Memorandum relating to the nine members are attached.

Between 1979 and June 1980, our investigators together with help from other individuals, copied approximately 15,000 - 20,000 documents which had been made available in the United States District Court in Washington, D.C. These documents, some of which are attached, further corroborated the story told to us by La Venda and reflect an incredible network of fraudulent criminal practices by the organization. These documents have come to be known as the "Washington Documents" and we are in possession of most of the pertinent ones.

These documents reflect the use of coded Telexes and an elaborate communications network to blackmail former members who have attempted to expose the organization, details of Hubbard's background, details of financial workings of the organization, and details pertaining to various criminal operations against government agencies and private citizens. The scope of the fraudulent and criminal activity as reflected in the documents and as corroborated during our independent investigation in the Fall of 1979 paint a scenario of criminal and fraudulent activity so vast in scope as to almost defy description. The fact that the

organization conducted these practices all under the guise of a religion further accentuated the outrageousness of the organization's conduct.

This latter fact, namely operating under the aegis of a religion, gives rise to a cause of action for fraud because the organization specifically misrepresented its nature and practices. In fact, the Internal Revenue Bureau is currently engaged in litigation seeking to eliminate the organization's tax exempt status. Most of the individuals testifying in that case are our clients. Indeed, many individuals who have testified before Grand Juries, presently pending in New York, and Clearwater, Florida, are clients who surfaced after we initiated a class action suit with the attendant media coverage.

After an extensive investigation, our group then brought La Venda's case in the form of a class action in the United States District Court for the District of Boston. This suit currently involves causes of action for various types of fraud, violations of the Racketeering Influenced Corrupt Organizations Act commonly called RICO, violations of the Fair Labor Standards Act, breach of contract, and intentional infliction of emotional distress.

The actions for fraud which are intertwined with the actions under RICO have a solid footing not only in the facts but also in some of the legal precedents which have involved Scientology. Primary among such precedents is the case of U.S. vs. Article or Device in which the judge specifically found that the writings

and policies of Scientology were fraudulent in nature. The Court ordered that specific warnings be given to the people who were exposed to Scientology. For example, the judge in the Article or Device case stated the following:

> "The bulk of the material is replete with false medical and scientific claims devoid of any religious overlay or reference. Two books ... are typical examples of books containing false scientific non-religious claims."
>
> "Whether the documents are viewed singularly or as a whole, the proof showed that many false scientific claims permeate the writings and that these are not even inferentially held out as religious either in their sponsorship or context."

The Court went on to issue an order that all Scientology publications and the E-Meter bear labels stating that their use is not medically or scientifically capable of improving the health or bodily functions of anyone.

Since that opinion was issued in 1971 the organization has continually violated the Order of the Court and most if not all of our hundreds of clients have been victimized by the failure of the organization to give the required warning. In fact, representations made by the organization during the process of defrauding victims of their money, are specifically contrary to the Court Order. There are specific written Scientology policies in which Hubbard has encouraged his followers to tell victims whatever they have to tell them in order to sell them courses or materials. We have affidavits from former Scientologists who have participated in this fraudulent money making scheme by engaging in meetings to which the Scientology salesman were sent

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out onto the street passing themselves off as College students and whatever necessary in order to attract money. Indeed, the typical Scientology sales technique involves first ascertaining the victims financial resources, and if they are considerable, then making whatever representations are necessary in order to get the person involved in a series of courses which are cleverly designed to induce the victim to take higher level courses for greater and greater amounts of money. This scheme is commonly called a "bait and switch" scam. Part of the technique involves an operation called auditing during which the victim is placed on a crude form of a lie detector, called the E-Meter and is then made to confess every intimate detail of his or her life and at a cost which generally involves $3,000-$5,000 for the first level of auditing. Before the victim has realized, and sometimes it takes years, that he has been defrauded, he has disclosed to the organization details about his life and the life of everyone he knows, including his [illegible]ents, friends, relatives, etc., which places the organization in a position to threaten or blackmail the individual either subtly or overtly from seeking their money back. Over the past fifteen years when a few individuals have attempted to expose the organization and seek a refund of their money, some of which runs into the hundreds of thousands of dollars, the organization has typically brought defamation actions, against the individual, seeking to deluge them with legal costs or have engaged in covert operations such as seeking to get the individual placed in a mental institution after spiking their drinks with drugs or conducting frame-ups in which the person is

perceived to be mentally unstable. The viciousness of some of these attacks are reflected in the Washington documents and in other documents that have been brought to us by members who have defected from Scientology.

Perhaps the most obvious fraud count against the organization involves the documents which the organization sells to the public holding itself out as a religious, scientific, benevolent and humanitarian organization whereas all of the inner operational practices of the organization and the attendant documents reflect a criminal conspiracy based upon fraud, deception and extortion in order to get money. The incredible dichotomy between Scientology's public face and its private face gives rise to a basic cause of action for misrepresentation of the entire nature of the organization.

In many instances Scientology has been involved in overt operations of kidnaping, extortion, blackmail and overt frauds such as directly taking a person's money without providing any services, all of which, together with causes cited above give rise to violations of the RICO Statute. That Statute basically gives a cause of action to any person who has been victimized by various types of "racketeering activity", which is defined by the statute as acts of extortion and mail fraud, among others. A simple RICO violation is made out, for example by the fact that the organization has sent through the mails most of its publications without giving warnings required by the Article or Device case. Aside from the fraudulent representations contained

within the publications, the very fact that the organization has failed to comply with the court order and has taken money from its victims without giving the prescribed warnings constitutes a RICO violation and gives rise under the civil damages portion of the Statute for treble damages.

Aside form the obvious breach of contract theories that are inherent in most cases involving former Scientologists, an additional salient basis for liability involves intentional infliction of emotional distress. The organization has secret documents which are in our possession which mandate, for example, the application of the "Fair Game doctrine" against its opponents. This doctrine states in parts that an SP, that is one who is opposed to Scientologists, "may be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued, or lied to or destroyed." Another policy involves what is called, "Disconnect" in which a person is forced to divorce or separate from his or her spouse, parents or relatives for any reason that L. Ron Hubbard feels necessary. This policy is designed to control or "brainwash" the person so that a spouse or relative exercising independent judgement attempting to influence a potential victim from paying money will be separated or alienated from the victim so that the influence can be dissipated.

Of course, all of these causes of action involve punitive damages which in the perspective of the documents and the horror stories related by most people could run into the millions and

and millions of dollars. Since the initiation of the class action suit, our group has generated extensive media attention about Scientology including publication of an extremely cogent Reader's Digest article, programs on "Sixty Minutes", "Prime Time", forthcoming programs on ABC, as well as various local televised programs throughout the country and thousands of newspaper articles. The reaction to the media attention in the class action suit has been overwhelming. We have been inundated with hundreds of clients, parents, and relatives who have sought to retain our services. Our clients have cooperated with numerous law enforcement agencies, the Internal Revenue Bureau, and various attorneys around the United States who are also involved in litigation against Scientology. Our group has collected the most of the publications of Scientology and L. Ron Hubbard and many of their tapes. Some of these documents and tapes are extremely secretive and damaging to Scientology and have never been heretofore published. We have assisted numerous attorneys in various probate actions including custody battles which have originated across the country from the policy of "disconnect" and also from the attempts by Scientology to place children in Scientology " Apple Schools" while the Scientology spouse is generally on welfare and the divorced parent is paying alimony or child support. In a recent New Hampshire case, the documents and witnesses marshalled against the Scientology spouse on behalf of an airline pilot to keep his eight year old son out of Scientology were sufficient to cause the organization to give up allowing

the husband to obtain full custody of the child.

Since the class action case, eleven additional cases have been brought in Boston, Tampa, Florida and Las Vegas. In one of these cases a doctor/marathon runner was assaulted outside Scientology headquarters when he rebuffed their sales attempts resulting in a torn medial meniscus. In the perspective of the numerous Scientology marketing documents which exort its members to do anything to make a sale and in the light of numerous other documents that encourage irrational and criminal activity in Scientology adherents, the case achieves a value far in excess of the specific damages relating to the knee which generally carry verdicts across the country in the range of $75-150,000. (1)

And in another case about to be filed, the well known Boston law firm of Bingham, Dana & Gould was burglarized by the organization, a Belmont doctor's office was burglarized and various other governmental agencies were infiltrated, all of which related to an attempt by the organization to destroy Paulette Cooper. This case involves potential damages in the millions of dollars not only in the context of the damages inflicted upon this person about which there has been extensive publicity but particularly because of the outrageousness of the organization's conduct (2)

Perhaps one of the most valuable Scientology cases that our group has encountered involves the remarkable story of a teenage girl who during her most formative years, age 13 to 18, was seduced into Scientology by its typical faudulent representations (3)

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and then made to work in inhumane labor conditions serving as the personal slave of Hubbard. She was involved in such acts as dressing him and undressing him morning and evening, catching his cigarette ashes, preparing his shower and toilettries and coding and decoding his Telexes involving various criminal operations and conspiracies that Hubbard was conducting. This young lady was never given any High School education. In fact, the organization specifically used her to violate the health and education laws of the State of Florida. Aside from the fact she lost five of the most vital years of her life, has been severely psychologically damaged and has been made to participate in involuntary servitude, the punitive damages inherent in the case are in the conservative range of ten to twenty million dollars. We have other clients who have participated in similar types of activity although not as flagrant or as prolonged. (1)

In addition to the cases which I have just outlined, we have presently approximately 192 clients with hard damages in the range of 20 million dollars. These damages are predicated upon monies paid to the organziation and time spent laboring for the organization without being compensated. In some instances the victims have paid between $75,000 and $100,000. In many instances the victims have paid between $40,000 and $75,000. And in nearly every case the organization has extracted a minimum of $5,000 to $15,000 from these people. The man hours of labor, even at minimum wage standards amount to approximately $20,000,000.00. (2)

In our present litigation we have won practically every motion

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before the various courts and in all cases we have won every major motion such as motions to dismiss.

We have prepared a prototype complaint, prototype pleadings and extensive memoranda on virtually every issue involved in a Scientology lawsuit. These memoranda include First Amendment issues, jurisdictional issues, discovery issues, venue issues and numerous other legal issues. At the present time, we have acquired the capability to distribute what can be referred to as "turn key lawsuits" in which we provide the clients, the damages, the pleadings, the memoranda, the documents, the witnesses and virtually everything required for an instantaneous trial with little or no necessity for discovery. This preparation has taken thousands and thousands of man hours of work and hundreds of thousands of dollars. (1 (2

We are in the process of securing book rights and movie rights for not only the incredible story of Scientology's criminal and fraudulent activity, but also the legal story of what is necessary to defeat this organization. (3

Prior to the inception of the class action, individuals defecting from Scientology had no one to turn to because most attorneys throughout the country were fearful of taking on these cases because of First Amendment problems, Scientology harassment, questionable damages, and the cost of collecting, investigating and preparing a lawsuit. There have always been various governmental agencies and religious freedom groups to which a former Scientologist could turn but which availed little or nothing in the way of remedial action. Our group has provided

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a legal haven for former Scientologists in pressing their claims aginst the organization. We have become the communication center for coordinating the activities of various law enforcement agencies, attorneys, parents, media and former Scientologists seeking to provide information and seek redress.

We have been contacted by various large national groups who have sought our assistance and who have been victimized by Scientology. We have placed groups of clients in contact with other groups who are currently coordinating various programs to expose and expunge Scientology's fraudulent practices. These programs involve information exchange groups, and groups planning to picket Scientology Orgs for the purposes of informing potential victims of what Scientology is. Scientology is no longer able to deal with those that are trying to expose it by costly lawsuits and vicious attacks because of the media exposure and lawsuits which such conduct generates.

We are presently planning the organization of international lawsuits in England, Sweden, and other countries. We have been contacted by numerous Scientologists worldwide who hav

been victimized by the organization and who currently seek legal redress.

The purpose of this conference is to educate you in as short a period of time as possible what a case against Hubbard and Scientology entails. It is to distribute to you the clients, the documents, the names of appropriate witnesses for your individual cases and the various legal memoranda and pleadings that you may use as prototypes. Our intent in this first conference is to institute through you as we have indicated in our previous mailings, fifty lawsuits by March 15, 1981. And in the second conference that we are planning in May, 1981, to institute a second fifty lawsuits. Thereafter, at three month intervals, we hope to institute fifty additional suits until all of our present clients' actions have been brought. It is projected that this activity will generate a chain reaction in bringing former Scientologists out of the woodwork as well as generate massive publicity to assist in this endeavor. Since Scientology has defrauded thousands of people of hundreds of millions of dollars, based on our present calculation, we are seeking by the end of 1981 to have initiated one thousand lawsuits against the organization. The purpose of this activity is to substitute individual actions for the class action which is currently pending in the Federal District Court of Boston and which inherently involves problems relating to jurisdiction, conflicts of laws, and damages.

As indicated on your agenda, various parts of this conference

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will entail a description of our present cases involving a more detailed look at the causes of action, the damages, and various legal issues. The next part of the conference will involve a description of our present clients and cases that are ready to be filed forthwith. The next section of the conference will relate to an overall description of Scientology in these lawsuits. Thereafter, we will cnsider the loss of income which Scientology has suffered since the inception of our suits as well as the cost to Scientology of defending a prototype case. We will end with a summary of some of what we have discussed and a summary of the various ranges of jury verdicts that we expect to recover as well as the total cost to Scientology resulting from these lawsuits.

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For many years Scientology has used the law and the courts of this country to serve its own vicious and fraudulent goals. In perhaps one of the more memorable statements of L. Ron Hubbard, which the organization has pursued as policy for many years, Hubbard gives the following perspective of the law:

> "The defense of anything is untenable. The only way to defend anything is to attack, and if you ever forget that, then you will lose every battle you are engaged in, whether it is in terms of personal conversation, public debate or a court of law. Never be interested in charges. Do, yourself, much more charging and you will win. The public, seeing that you've won, will then have a communication line that the Scientologists win. Don't ever let them have any other thoughts than that Scientology takes all of its objectives. The purpose of the suit is to harass and discourage rather than to win. The law can be used very easily to harass, and enough harassment on somebody who is on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause his professional decease. If

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possible, of course, ruin him utterly." (Emphasis Supplied)

It is our intent to demonstrate to Mr. Hubbard that the purpose of a lawsuit is to obtain legal redress for people who have been swindled and viciously damaged by his organization.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PINELLAS

Jim Grey, having first been duly sworn, hereby deposes and says:

1. I am a resident of Clearwater, Florida.
2. On October 2, 1981, I received a visit at my office from Jay Keyes, Michael Flynn, and two other people. Beverly Hyde, my secretary was in the room during the visit, and witnessed it.
3. Jay Keyes made the introductions and told me that because I was courageous and outspoken and had once publically said that "the place to handle Scientology is in the courts", he thought I would be interested in what Michael Flynn and his associates had to propose.
4. Michael Flynn then offered me the position of Trustee of Flynn Associate Management Corporation (FAMCO) in the Clearwater area and told me that as a Trustee, I would receive, raise and disburse monies which would be used to file suits against the Church of Scientology around the country and therefore break the Church financially.
5. I told Michael Flynn that I would most surely be asking to be sued if I accepted that, to which the latter said that it was likely that I was correct, but then that is what the money was for.
6. Michael Flynn and one of the other gentlemen said that they would have to disassociate themselves from Richard Tenney publically as it would hurt them to be connected with him.
7. Although there were no outright statements made to me to the effect that I would make any money out of this, it was however distinctly clear to me that Michael Flynn and others were soliciting money for their suits.
8. When I pointed to Mr. Flynn and his associates that I had no desire to be a guinea pig for his lawsuits and take part in an operation which, in my judgment, could be

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in violation of Constitutional rights, Mr. Flynn became agitated, whereupon he asked me how I would like it if my daughter got mixed up with Scientology and shot herself in the head. I asked Michael Flynn, if my daughter had gone into the Baptist Church and shot herself, did that mean that the Baptist Church was responsible, and Michael Flynn walked out in disgust.

The above is a true and correct statement to the best of my recollection.

Jim Grey

Jim Grey

Subscribed and sworn to
before me this 13th day
of October 1981.

Notary Public

Notary Public, State of Florida at Large
My Commission Expires April 2, 1984
Bonded Thru Troy Fain Insurance Inc.

MORMON

Flynn Data

M E M O R A N D U M

DATE: February 26, 1981

TO: All Attorneys

FROM: Mr. Diamond

SUBJECT: Referral

A law school classmate of mine, now in private practice in Boston, has made a substantial living suing the Church of Scientology on behalf of those defrauded into making large contributions to the Church and those disaffected members harassed because they have been placed on the Church's "fair game" list. Because of prior successes in this endeavor, he and his colleagues in Boston have been besieged by prospective clients, a number of whom reside in the Southern California area.

These "church-busters" are now looking for plaintiffs' lawyers in the Los Angeles area who would be willing to undertake the joint prosecution of some of these claims on a contingent fee basis. They offer what has been characterized as a "turn key" lawsuit, i.e., a client, a claim, the fruits of discovery from prior actions, and years of experience in litigating with the Church. If you know of any local lawyer willing to join forces with these Boston attorneys, and willing to incur the Church's wrath, please pass his name along to me.

C.P.D.

DECLARATION OF VIRGINIA SNYDER

I, VIRGINIA SNYDER, declare as follows under penalty of perjury:

1. I am a private investigator licensed in the State of Florida (954C). I am 61 years old.

2. I have been retained by the attorneys for the Church of Scientology of California.

3. In the fall of 1981, I first had contact with Robert Bickerstaff, a member of the City of Clearwater's Planning and Zoning Board, concerning the future development of Downtown Clearwater.

4. Based on this prior contact, on April 13, 1982, I again contacted Mr. Bickerstaff with a view to learning more about the "Scientology Victims Defense Fund" of which he is President. This is an anti-Scientology organization. Under the pretext of having a wealthy aunt interested in contributing to the fund, I elicited information from Mr. Bickerstaff as to the goals and programs of the fund. This discussion took place over dinner the evening of April 13, 1982.

5. During this conversation, Mr. Bickerstaff told me that Attorney Michael Flynn of Boston, Massachusetts recently informed members of the Scientology Victims Defense Fund on more than one occasion that he and other attorneys hope and expect to get 10 or 12 lawsuits "going" against the Church as soon as possible.

6. Mr. Bickerstaff also explained to me that Mr. Flynn's strategy was that if there were enough lawsuits brought against the Church with accompanying expenses that would exceed the Church's income, this would result in achieving the goal of breaking the Church financially.

Executed this 14th day of April, 1982, at Clearwater, Florida.

I hereby, under penalty of perjury, state that the foregoing is true and correct.

Virginia Snyder
VIRGINIA SNYDER

Law Offices of
MICHAEL J. FLYNN
Twelve Union Wharf
Boston, Massachusetts 02109

Faneuil Hall Office
One Faneuil Hall Marketplace

Telephone
(617) 523-1644

April 22, 1981

RECEIVED APR 28 1981

Daniel Barbakow, Esquire
9454 Wilshire Boulevard
Suite 805
Beverly Hills, CA 90212

Dear Mr. Barbakow,

I am writing to you on behalf of the law offices of Michael J. Flynn of Boston. I have become associated with his office to help organize the many civil law suits that his office is conducting against the Church of Scientology. The purpose of this letter is to explore the possibility of your serving as associate counsel with Mr. Flynn's office to prosecute one or more of the civil lawsuits against the church.

9

If, after reviewing this material, you are interested in furthur discussion, please let us know and we will arrange a meeting. Litigation is contemplated throughout the United States and will necessitate the involvement of attorneys from various sections of the country. To facilitate our organization, we are planning a group meeting of attorneys in Boston, Massachusetts on Saturday, May 16, 1981. We hope you will consider attending the conference.

The Church of Scientology is an international organization which through the well organized delivery of fraudulent, religious and scientific representations and coercive actions takes in an estimated $100,000,000 gross income per year. The enclosed Exhibit #1 explains briefly how we became involved in litigation against the Church; what we have done to date; and the activities of the Church which serve as basis for litigation against the Church. At present, we have several lawsuits in progress against the Church and have obtained clients for over 150 additional lawsuits, potentially worth millions of dollars. Causes of action for these suits include fraud, misrepresentation, breach of contract, outrageous conduct, infliction of emotional distress, racketeering, violation of labor laws, burglary, larceny, kidnapping, invasion of privacy, extortion, libel, slander, abuse of power, obstruction of justice, etc.

Various Church practices have been instrumental in establishing the legal bases of these claims. They include "auditing" (see Exhibit #2 for excerpts from summaries of audit sessions), "disconnect" (see Exhibit #3) and the "fair game doctrine" (see Exhibit #4). This organization's practices have been deemed so vicious and pernicious that (1) in 1979 a jury in a district court for the State of Oregon awarded $2,100,000 to Julie Christofferson, who had been in the Church only nine (9) months and had suffered actual damages totaling only $3,000 (see Exhibit #5); and (2) in 1979 nine members of the Church of Scientology were convicted of having burglarized, infiltrated and wiretapped the Internal Revenue Service, the Justice Department and/or the FBI, all evidenced by 284 pages of stipulated evidence (see Table of Contents plus selected portions of Stipulated Evidence, enclosed as Exhibit #6).

Since the filing of our initial class action lawsuit against the Church of Scientology (see Exhibit #7 for the Complaint), much information about the Church's misdeeds has been published, including documentaries on CBS's "60 Minutes" and NBC's "Prime Time"; an article in the May 1981 issue of the Reader's Digest (see Exhibit #8); and spots in local and national T.V. and newspapers. This publicity, as well as awareness among Scientologists of our lawsuits from other sources, has generated clients and claims so numerous as to require national organization. The Boston Conference, of course, being part of this organization wherein associate counsel will be further informed about the Church of Scientology and our lawsuits.

The purpose of this conference is to educate you in as short a period of time as possible what a case against L. Ron Hubbard and Scientology entails. At that time we will distribute to you, the clients, the documents, the names of appropriate witnesses for your individual cases and the various legal memoranda and pleadings that you may use as prototypes. Our intent in this first conference is to institute through you our present clients' actions. It is anticipated that this activity will generate a chain reaction in bringing former Scientologists "out of the woodword" as well as generate massive publicity to assist in this endeavor. Our present calculations indicate the potential for over two hundred lawsuits against the organization by the end of 1981.

The proposed conference in Boston will entail a description of our present cases, including a more detailed look at the causes of action, the damages, and various legal issues. Many of these cases need only a local attorney to be filed forthwith. Another phase of the conference will relate to an overall description of Scientology. Thereafter, we will consider the amount of income which Scientology has brought in since its inception, as well as the location of Scientology's assets. We will end with a description of the various ranges of jury verdicts that we expect to recover as well as the total cost to us and to the Church of Scientology resulting from these lawsuits.

For many years Scientology has used the law and the courts of this country to serve its own goals. In perhaps one of the more memorable statements of L. Ron Hubbard, the founder of Scientology, he gives the following perspective of the law:

> "The defense of anything is untenable. The only way to defend anything is to attack, and if you ever forget that, then you will lose every battle you are engaged in, whether it is in terms of personal conversation, public debate or a court of law. Never be interested in charges. Do, yourself, much more charging and you will win. The public, seeing that you've won, will then have a communication line that the Scientologists win. Don't ever let them have any other thoughts than that Scientology takes all of its objectives. The purpose of the suit is to harass and discourage rather than to win. The law can be used very easily to harass, and enough harassment on somebody who is on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly."
> (Emphasis Supplied).

We are inviting you to our Conference because we understand that you are an excellent trial attorney who would welcome the opportunity to earn substantial monies while performing a public service by litigating claims to remedy some of the terrible wrongs that have been committed by the Scientologists against the public. We expect to be able to collect on judgements against the Church. The Church's assets, including sizable tracts of real estate in California and Florida and cash in every local Church's bank account, worth tens of millions of dollars (a lien against $1,000,000 of property and an escrow of $1,000,000 cash has been set aside pending appeal in the Christofferson case). At our conference in Boston we expect to finalize the specific arrangements between you and our law offices for prosecuting these claims.

Please let us know immediately if you are seriously interested, or if you have any questions or comments, by writing or calling any of the following:

Michael J. Flynn, Esquire
Thomas M. Greene, Esquire
Thomas G. Hoffman, Esquire
Philip F. Mulvey, Esquire
William A. Sheridan, Esquire

Michael T. Rose, Esquire
McCulloch C2-10
Harvard Business School
Boston, MA 02163
(617) 498-8146

Paul J. Jenkins, Esquire
12 Union Wharf
Boston, Massachusetts 02109
(617) 523-1644

Kevin J. Sullivan, Esquire
135 Bay State Road
Boston, Massachusetts 02215
(617) 353-0789

Thank you for considering our porposal. We hope to hear from you in the immediate future.

Sincerely,

Michael J. Flynn, Esq.

By: Kevin J. Sullivan
Kevin J. Sullivan, Esq.

RETYPE

(1)

About This Proposal

The following Proposal was prepared for the law firm of Michael Flynn by Flynn Associates Management Corporation (F.A.M.C.O.). (1)

The proposal beginswith a short history of the litigation followed by an analysis of present and future cases. Then an evaluation of the impact the litigation has had on Scientology, relative to Scientology costs and loss of income.

Finally, Flynn Associates Managament Corp. organized a newtwork of Lawyers throughout the U.S. and prepared a system of "turnkey" lawsuits in strategic georgraphic areas. Discusssion of this included within the proposal under the section entitled "May Conference". The May Conference is a meeting of lawyers litigating Scientology cases (2) to discuss overall Scientology strategy.

Investors Prospects to Purchase Shares in FAMCO (3)

Description: Flynn Associates Management Corp. is a management consultant company. It wa organized to manage and oversee the operations and strategy of all Scientology litigatio of Michael Flynn Associates.

Michael Flynn Associates are a group of lawyers who on behalf of former Scientologists, have litigation pending against the Churchs of Scientology nationwide.

FAMCO's contract with Michael Flynn Associates includes the following two areas:
1) Organization and development; over the past two years hundreds of clients, lawye 10
media, parents, etc. have contacted Michael Flynn Associates for help and informati
As a result, Michael Flynn Associates has become a base of information and operation of
Scientology litigation. FAMCO administrates this inflow and outflow of people and (4)
information.

2) Planning

History [illegible]ion of Scientology litigation, Michael Flynn and associates lawyers had one [illegible] against the Church of Scientology. When the suit was filed, the media picked up on it resulting in a grest deal of local media attention. The local Church of Scientology immediately responded, issuing defamatroy statements and filing Board of Bar Overseers Complaints against Michael Flynn. The publicity caused many disaffected Scientologist to come forward asking for Attorney Flynn's help. The news of ex members coming forward generated only more, until Flynn's office became incapable of handling the people, materials, and documents it was besigged with.

Further lawsuits were filed on behalf of ex Scientologists with little consideration to cost/benfit - specifically cost to produce the lawsuit, expected litigation time, estima of lawyer time, court and associated costs, versus benefits, or relative value of lawsui using previous settlement or verdict history, and the value and reachability of Church— assets. (5)

Early in 1980 FAMCO evaluated all the elements of this litigation and proposed and insti uted the following adminstrative reorganization, review of present worth (settlement and verdict) of present and future cases, an evaluation of reachable assets in the major geographic locations where lawsuits are filed, and analysis of options concerning "where do (the lawyers) we go from here". Finally under the heading of planning, FAMCO prepared a financial cost profile looking at each option open to the lawyers concerning which direction to proceed. (6)

The Problem in Clearwater

Since 1976 the City of Clearwater, Florida has been beset with the problem of having the Scientology cult infiltrating the fabric of the community. Since five years tenure in the Community has created extrenal ill feeling over the years the media has published

many stories of Scientology activities in Clearwater. As a result of this media attention the City has received a "black eye" of sorts, lossening the desirability of new taxpayers and business's to locate thier. Scientology property in Clearwater propoer has or will depress business and real estate values resulting in a dying town.

Whythis happens can be shown by looking at a similiar experience on Fountain Ave. in Hollywood, California. Scinetology purchased numbers of buildings in Hollywood in the Sixties and Seventies and reconverted them to house and train Scineotlogists. Scientologist on the wholedirect most or all thier income to the Scientology organization as a result these Scientologist have little or no income to dispense within the business community. Many go on welfare in order to survive. Herein lies the root of the problem. As more Scientologists move into the area the Scientology organization purchases surrounding real estate at depressed prices driving productive revenue producers out to more affluent areas where money still flows bewteen people and business.

A look at Hollywood today versus twenty years ago is startling. Twenty years ago Hollywood California was the home of middle and upper class citizens. Today it has been transformed into a welfare community, welfare or low income non Scientologist have now moved into the are as a result of depressed real esatate values. The expected increase in the crimerate followed awiftly. Interestingly, Scientology moved in quietly with most persons not knowning who they were or belieiving thwy were a Church as most people understand a church to be.

Naturally, it would be difficult to project a similiar scenaro occuring in Clearwater, but certainly all the key ingredi ents are there.

The danger, however lies not in people fearing Scientology, but how Scientology can further a deteriorating community around it. An ensueing domino effect occurs as business's and tax payers leave the area effectively preventing new ones from coming in.

The Proposal

Notw; Flynn Assoc. Management Corp. is supplementing this proposl with the Class Action Development Program to which it re[illegible] from time to time.

The purpose of this proposal is to [illegible]er shares in Flynn Associates Management Corp. for sale. [illegible]. Flynn Assoc. Mgmt Corp. is a management consulting firm presently under contract with Michael Flynn and Associate lawyers to which it provides servcies. The services encompass those discussed in the Descritption section of this proposal. Michael Flynn and associate lawyers has contracted with Flynn Associates Mgmt Corp. to assist in organizing and carrying out the development of new lawsuits to be filed in Clearwater, Florida, being brought on behalf of clients of Michael Flynn lawyers. Because of a variety of constrictions, the law firm of Michael Flynn and other associate lawyers has contracted Flynn Assoc. Mgmt Cotp. to organize and operate the development program. The constraints mentioned above include 1) geographic seperation of both clients and lawyers from each other as well as from Clearwater. 2) Education, communication and on going legal assistance of the new counsel to be developed in the Clearwater area. This includes drawing upon two years of understanding thousands of documents, hundreds of clients, former members from Hubbard's son to Guardians Office (CIA of Scientology) defecto legal memorandum from cases filed (the turnkey lawsuit) government and media contacts, lega consulting and review, etc.

With propoer organization and administration Michael Flynn and Associates lawyers hopes to bring on behalf of aggrieved former Scientologist a series of lawsuits in Clearwater Florida. Some of the lawsuits in question are described in the Class Action Development program in sections entitled present cases and present clients. The present worth of these cases range from a low of 6,412,600 which represents just time and money lost to a high of 21,104,904 which represents an award of moderate punitive damages. Presently, the only experience subject to analysis is the Julie Tichbourne Christofferson case in Protland, Oregon. This case was brought against the Scientologist by the law firm of McMury

on behalf of Julie Christofferson. Ms. Christofferson was in Scientology for a period of approximately nine months and lost ~~in~~ just over $3000. McMurry tried the case in early 1979~~n~~ prior to any legal or media notoriety. McMurry operated solely on information produced to him by his client, Ms Christofferson, The limited amount of information the jury heard outraged them to an extent they awarded Ms Christofferson her $3000. back and $2,100.000 in punitive damages. We view this as an extreme amount and have taken a much more moderate posture in estimating the high range of these Clearwater cases. The Church in Portland appealed the case but interestingly the Church put up $2,000.000 in cash and property in escrow to satisfy the claim. (1)

However the Clearwater cases are horror stroies compared to the Christofferson case. Additionally, documents, witnesses and former members would provide far greater impact than the limited resources available to the ~~xxxxxx~~ McMurry firm. ~~Since~~ Three years later the country and certainly ~~k~~ the people of Clearwater provide a hostile enviroment for the Scientologist to defend a lawsuit. (2)

In order to coordinate the development program in Clearwater, Flynn Assoc. Mgmt. Corp. requires financing, necesary to expand. Expansion would provide services to lawyers in ~~xxxxxxx~~ Clearwater similiar to those described earlier. Financing would provide the necessa working capitol for this to take place. (3)

An offering is therefore made to sell an appropriate amount of shares to raise $180,000 (4)

The $180,000 will cover expenses for an 18-24 month period. Expenses will consist of operating expenditures - rent - utilities - salaries, material, etc. Layers Court costs and other associated expenses. The $180,000 figure was extrapoloated for the experience of Michael Flynn and associate lawyers 24 month period of litigation in which $232,000. was expended. Those costs were incurred as a result of litigation over a broad geographic area and the startup costs associated with the litigation. (5)

Presently 21.6% of the company is offered for sale. A 21.6% profile ownership provides $2.00 return for each $1.00 invested. (6)

Revenue: Assests of Flynn Assoc Mgmt Corp are the following: (7)

22000	Cash on Hand
218000	Accounts Receiveable
ojected 240,000	future accounts rec.
unue 187.500	indivdual loan accts
1,080,000	25% of projected
1,747,500	fees

There are presently no liabilities

Based on the above assets and projected revenue schedule 21.6 % of the company is offeded for sale. A 21.6% share holder profile provides a 2.00 return for each 1.00 invested. As lawsuits successfully conclude dividends will be dispersed to satidfy these return scerino/ (8)

The Assets and revenue schedule figures are the low to medium range figures found in the Class Action ~~xxxxxxxxx~~ Development Program. If verdicts or settlements in the Clearwater ~~xxxx~~ Cases followed a moderate tp extreme posture projected revenue would be 3,384.000 providing a share holder return of 4.80 for each 1.00 invested.

Down Side Risk

As in any risk venture the opportuniyy for the investor to lose all or some of his or hor money exists. The question is what is the prbability that will occur. Defino the parameters necessery to look at this probability is again to review experience and litigous atmosphere and enviroment. (9)

(4)

Historically, once a case is tried before a jury the Scientologist suffer badly, the aforementioned Cristofferson case is an extreme of the type of damages awarded. Other inclu the Allard case(years ago), in defendant cases, cases where the Scientologist sued, the judge granted $ in legal fees in the C of S v. Canada.

To date all plantiff cases as well as most defendant cases against the Church have been successful.

Closely tied to this is the litigious atmosphere in Clearwater. Certainly an atmosphere in which citizens of Clearwater and even the entire US are anti-cult. An atmosphere in which the probability of losing all Scientology litigation has to be characterized as low. (1)

The most important factor in discussing this probability of loss is which side is legally strongest. Since the Scientologist regularly engaged in larceny.....it id clear our legal footing is solid, with documents and witnesses to support all of it. (2)

Contract

The Flynn Associate Mgmt contract with Michel Flynn lawyers covers a 48 month period at $458,000 and 25% of all fees collected. The $458,000 portion of the fee is handled as an expense and deducted first from any Scientology award or settlement. (3)

Historically, once a case reaches a jury the Scientologist suffer badly. The afore mentioned Christofferson case is an example of the type of damages awarded. Apparently even small amount of evidence introduced to a jury during trial describing the true character and nature of Scientology, enrages the jury to an extent where it will grant large punitive damages awards. Subsequently, the question of appeal of the award and collectibility arise . Collectibility is the ability to actually collect the monies awarded. Again in the Christofferson case the Scientologist put in escrow two million dollars in cash and real estate to satisfy the claim.

Primarily all of Scientology's real estate is located in wither Clearwater, Florida or Los Angeles, California and most of this Real Estate was purchased in cash.

With no apparent lien on this real estate the capability to secure it as a result of a jury's award is good.

The question of appeal of any one award is not really a question since we can expect the Scientologist to appeal any plantiffs award. In this area we must once again return to the Christofferson case since it presently is being appealed. In a recent discussion with Gary McMurry lead counsel from the law firm of Rankin, McMurry and Osborne handling Christofersons case, McMurry is very confident the award will be upheld without any substanital change in the size og the award. Again, we view the award as excessive (125 times actual damages) as the most severe damage posture we used in our models is 25 times actual damage.

Briefly in other civil experience, the Allard case

Table A 24 month period

Item	Expense
1. Rent or lease	12000
2. Utilities	2400
3. Telephone	9200
4. Office Supplies	1800
5. Travel & Expenses -(lawyers, witnesses, adminsitration)	36000
6. Associated Cost	24000
7. Salaries and fees secretaries, management advisors, consultants	75,900
8. Working capitol and reserve	18,7000
Estimate Costs	180,000

Notes on Table A

Over the next two years litigation in Clearwater intensifies, the cost described in Table A would be realized. Each account estimate is based on the experience of the past two years of litigation. Account numbered 1-4 represents offices shared or otherwise in Boston and/or Clearwater to adminstrate the litigation. Accounts, travel and expense (1) coordinates and pays expenses for lawyers, witnesses, clients and experts who testify or are deposed either before or during trial for all Clearwater cases, account 6, associate cost and coount 7 salaries and fees pays lawyers time, court and discovery costs, support personneland saleries management persons. Account 8 is for unforseen [illegible] reserve.

Table B is the balance sheet of Flynn Associates Management Corp.

Flynn Associates Mgmt Corp
Balance Sheet

May 1, 1981

Current Assest

Cash	21,420
Inventroy	650.00
Intangible Assest	
Account Receiveable - litigation	192,000
	214,070

Equities

Current liabilities		Stock Holder Equity	
Accounts Payable	3562.00	Capitol Stock	210,508
			214,070

(7)

Table C looks at the projected revenue useing three models. The first model depicts a legal scenario in which a jury would award the victim his money and time lost, model 2 is time and money plus a small punitive damage award we define a small damage award as 5 times model 1. Model 3 is model 1 plus a moderate to severe punitive damage award of beywcen 10-25 times model 1. A further perspective can be drawn to undorstand these models using the Julie Christofferson case. The jury awarded Christofferson 175 times damages or 175 times model 1. We view this as excessivr and have taken a more conservative model posture.

Each model is made up of the same prospective case listings. For Clearwater on page_____.

Notes on Models.

The models just reviewed consider only Clearwater, Fla. cases. To construct these models various assumptions were made. First, each case would reach the trial stage of litigation with a plantiffs verdict. Certainly the possibility for settlement exist, and the Scientologist have made some overtures to settle, but we view this as a remore possibility. Secondly, the possibility of a defendants verdict exists or specfically the investors down side risk, this possibility will be reviewed shortly. Each of the cases discussed in the model were chosen useing most personal damages priority basis. In other words of the many potential cases in Clearwater those person most seriously damaged by the Scientologost will be prepared and filed first. Consequently, the case's have the best opportunity for large jury awards. Each model is prepared on a simple revenue producing basis. Tax consequonco, investment credit applicability and subchapter _____ will be disccused at a later time. (2)

(8)

Table C

Model 1 - Clearwater Fla Only (1)

		Low
Tonja Burden		5,352,000
Jane Doe	"	515,000
Jane Doe		286,000
Jane Doe		285,000
Janoe Doe		152,000
Jane Doe		446,000
	total	7,038,300

Revenue

Account Receiveable 19200

Fees 6,422,300 x 38% x 25% 688.638

860,638

(38% = legal fees)
(25% = Flynn Associates fee)

Presently 40% of the company is offered

A 4% share holder initial investment of 18000 would yield a return of 34,425 (4%x860,638) within this model before taxes.

Model 2 - Clearwater, Fla. only (2)

		Medium
Tonja Burden		8,842,852
Jane Doe		586,600
Jane Doe		585,700
Jane Doe		552,000
Jane Doe		4,650,000
Jane Doe		2,200,000
	total	17,417,152

Revenue

Accounts receiveable 192,000
Fees 17,417,152 x38% x 25% 1,654,629

1,846,629

A 4% share holder with initial investment at 18000 would realize a yield of 73,865 in this model before taxes.

(9)

Model 3 - Clearwater Fla only (1)

	Moderate - Severe
Tonja Burden	13,104,404
Jane Doe	1,586,600
Jane Doe	1,552,000
Jane Doe	8,450,000
Jane Doe	4,400,000
Jane Doe	30,678,704

Revenue

Accounts Receivable	192,000
Fees 30,678,704x38%x25%	2,914,476
	3,106,476

A 4 % share holder with an initial investment of 18000 would realize a yield of 124,259 in this model before taxes

9

About the Proposal

The following proposal contains an evaluation of filed and yet to be filed Scientology cases from the law firm of Attorney Michael Flynn. The evaluation was prepared by Flynn Associates Management Corporation. The purpose of the evaluation is to prioritize which Scientology case's to proceed with from a cost/benefit viewpoint.

The introduction to the proposal was prepared by Atty Michael Flynn, lead counsel in the law firm, for Flynn Associates Management Corporation. The introduction is a short history of the litigation concerning Atty Flynn's Office.

After the evaluation of law suits, Flynn Associates Management Corporation organized a network of lawyers throughout the United States to bring the lawsuits on behalf of agrieved former Scientologist. To adminstrate their "turn key" lawsuits in strategic geogrpahic areas. Discussion of this is included in the proposal under the section entitled May Conference.

Finally, a short prospectus to purchase shares in Flynn Associates Management Corporation is offered. The purpose of the offering is to increase the capability of Flynn Associates Management Corporation to proberly coordinate and adminstrate Scientology litigation. The offering is made to selected persons in Clearwater , Fla.

About the Conference

On May 16-18 a conference was held to introduce the case development program. Attending the conference were lawyers representing prominent law firms in: Boston, New York, Florida, Denver, Washington D.C., San Frnasico, Los Angeles, Las Vegas, New Jersey and Texas. Also in attendance were outside speakers such as Gene Methven, Senior Editor of Readers Digest. Enclosed in this section are topics of discussion and the agenda and outline used at the conference.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

CIVIL DOCKET NO.
79-2491-G

LAVENDA VAN SCHAICK AND SILVANA GARRITANO, on behalf of themselves and all others similarly situated,
Plaintiffs

vs.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY OF NEVADA, CHURCH OF SCIENTOLOGY OF FLORIDA, FOUNDING CHURCH OF SCIENTOLOGY OF WASHINGTON, D.C., CHURCH OF SCIENTOLOGY OF NEW YORK, and L. RON HUBBARD and MARY SUE HUBBARD,
Defendants

AFFIDAVIT OF NANCY GERTNER IN SUPPORT OF MOTION FOR A PRELIMINARY INJUNCTION UNDER RULE 23 (D)

I, Nancy Gertner, being duly sworn, do depose and say:

1. My name is Nancy Gertner and I represent the defendants in the above-entitled action. This affidavit is offered in support of the Defendants' Motion for a Preliminary Injunction Under Rule 23(d) enjoining counsel for the plaintiff, Michael J. Flynn, Thomas M. Greene, Thomas G. Hoffman, William Sheridan, and Philip W. Mulvey, inter alia, from bringing further lawsuits against the Church of Scientology, soliciting additional plaintiffs or communicating with members of the unnamed class without prior approval by this Court. It is based primarily upon documents secured by the defendants through official court and government records, and correspondence with Messrs. Flynn, Hoffman

and Greene. It is also based on abandoned documents which were recovered from the "trash" of Mr. Flynn and which have been the subject of an inquiry to the Board of Bar Overseers, dated August 21, 1981 (attached to Plaintiffs Motion for an Injunction dated September 4, 1981).

2. The instant action was filed on December 13, 1979 as broadly defined national class action. In an amended complaint, filed on May 27, 1980, the plaintiff defined the class to consist of the following:

> "all persons who have paid money or property to any Church of Scientology, its employees or agents, including the defendants, and which money and property has been paid or provided to the defendants as a result of violations by the defendants of Title 18 U.S.C. §2 1964."

In addition to other class action allegations, the complaint alleged, inter alia, that a) the "attorneys for plaintiffs are experienced and capable in litigation and have adequate knowledge of the facts;" b) that the "named plaintiffs as representatives will bear whatever costs are incurred in bringing this class action;" c) that counsel for the plaintiffs consist of attorneys Flynn, Greene, Sheridan, Hoffman and Mulvey; d) that a class action "is superior to other available methods for the fair and efficient adjudication of the controversy," and e) that the "concentration of the litigation of the claims avoid duplicative proof which individual suits would necessitate," and f) that "such concentration also promotes fairness and efficiency by having defendants not have to defend multiple suits ..."

3. Shortly after filing this lawsuit, the plaintiffs moved to enjoin the prosecution of a lawsuit brought against the plaintiffs and others in the District of Nevada, again reiterating the claim that the class action filed in this jurisdiction should be the vehicle for the comprehensive resolution of all claims. See Plaintiff's Memorandum in Support of Motion to Stay Subsequent Proceedings, filed February 12, 1980.

4. However, between the December 1979 filing of this lawsuit to this date, counsel for the plaintiffs have taken absolutely no steps in the direction of securing class certification, either filing a motion for class certification or conducting discovery on class issues. Indeed, counsel for the plaintiffs have persistently attempted to block all efforts by the defendants to determine the purported scope and nature of the class, information which the defendants have a right to under the Federal Rules of Civil Procedure and information which class counsel has a responsibility to provide. In response to virtually all of the defendants' interrogatories on this issue (served on August 9, 1981) the plaintiff made the following wholly specious objection:

> "As this interrogatory expressly seeks information calculated to show either the presence or absence of a class action requirement under Rule 23, rather than for purposes relating to the merits of the case in general, it is objected to; the pleadings and record before the Court contain sufficient information to allow a class action determination."

5. At the same time, notwithstanding the allegations in this class complaint, the arguments made by plaintiff's counsel,

and the responsibilities of class counsel outlined in Rule 23, counsel for the plaintiff claims to have filed numerous additional individual actions representing the claims of twenty-seven individuals since the date of filing of this class action lawsuit. Moreover, these claims involve virtually identical complaints, causes of actions, and indeed, verbatim pleadings. They have been filed in federal and state courts throughout the country. They include inter alia the following:

A. Marjorie Hansen v. Church of Scientology of Boston and Church of Scientology of California, filed on April 2, 1980 in Suffolk Superior Court. Causes of action in this case are Fraud, Intentional Infliction of Emotional Distress, Invasion of privacy, Breach of Fiduciary Duty, Breach of Contract, Fair Labor Standards Act violations, and Unfair and Deceptive Trade Practices. Messrs. Flynn, Hoffman, and Greeneare counsel for the plaintiff.

B. Janet Troy v. Church of Scientology of Boston and Church of Scientology of California, filed on April 2, 1980 in Suffolk Superior Court. Causes of action in this case are identical to the causes of action in Hansen. Messrs. Flynn, Hoffman, and Greene are counsel for the plaintiff.

C. Tonja Burden v. Church of Scientology of California, Church of Scientology of Florida, L. Ron Hubbard, Mary Sue Hubbard, filed on April 25, 1980, in The United States District Court for the Middle District of Florida, Tampa Division. Causes of action in this case are Fraud, Intentional Infliction of Emotional Distress, Breach of Contract, violations of Fair

Labor Standards Act, Racketeer-Influenced Corrupt Organizations Statute Violations, Trover or Conversion, Imprisonment and Slavery. Counsel for the plaintiff are Mr. Flynn, Mr. Logan of St. Petersburg, Florida, and Mr. Cunningham of Tampa, Florida.

D. Jose Baptista v. Church of Scientology, Mission of Cambridge, Inc. (President of Corporation), filed on March 10, 1981, in Middlesex Superior Court. Causes of action are Fraud, Intentional Infliction of Emotional Distress, Invasion of Privacy. Breach of Fiduciary Duty, and Unlicensed Practice of Medicine. (All counts, except Unlicensed Practice of Medicine, were dismissed last month.) Counsel for the plaintiff were Messers, Flynn, Greene, and Hoffman, and Mr. Jenkins of Boston.

E. An extensive counterclaim in Church of Scientology of Boston, Inc. v. Michael Flynn, Steven Garritano, Lucy Garritano

James Gervais, and Peter Graves, filed on April 2, 1980 in Suffolk Superior Court, in the name of all the defendants but Mr. Flynn. Causes of action are Fraud, Intentional Infliction of Emotional Distress, Invasion of Privacy, Breach of Contract, Violations of The Fair Labor Standards Act, False Imprisonment, Civil Rights violations, and Consumer Fraud. Mr. Greene is counsel for the counterclaimants.

F. Peggy Bear v. Church of Scientology of California, Church of Scientology of New York, Church of Scientology Mission of East Manhattan, L. Ron Hubbard, Mary Sue Hubbard, Celebrity Center, filed on July 28, 1981 in United States District Court for the Southern District of New York. Causes of action are Fraud Intentional Infliction of Emotional Distress, Invasion of Privacy, Breach of Fiduciary Duty, Breach of Contract, Racketeer-Influenced Corrupt Organization statutes violations, Unfair and Deceptive Trade Practices. The plaintiff's counsel are Messrs. Lipsig, Sullivan, Liapakis, and Holman of New York; Mr. Flynn is of counsel.

6. In correspondence with counsel for the defendants and others, counsel for the plaintiff have represented that they plan to file between 100 to 1000 more lawsuits by the end of 1981. On August 31, 1981, Michael J. Flynn, attorney for the class plaintiff, wrote to Charles Le Cher, Mayor of the City of Clearwater, Florida and others (the letter being part of the public record, and obtained from public officials in Clearwater) at p. 4:

"To date, we are engaged in lawsuits on behalf of 27 Scientology victims, have consulted many individuals who have succeeded in getting their money back from Scientology, and have 100+ cases waiting to be filed nationwide if we can motivate the legal profession to assist these people."

Attached hereto as Exhibit "A" is the August 31, 1981 letter to Charles LeCher and others, from Michael J. Flynn. See also ¶¶ 7B, 9G, infra (estimating 1000 cases by the end of 1981).

7. The purpose of this multiplication of lawsuits is precisely the opposite of the purposes for which a class action lawsuit is designed: these lawsuits are designed to tax the Church of Scientology to the breaking point, to inconvenience and harass that institution so that it will be forced to settle with counsel for the plaintiffs, and to maximize the profits that will accrue to the lawyers. In correspondence with California counsel for the Church of Scientology, Jay D. Roth, Mr. Flynn represented himself to be in control of litigation, far beyond the cases for which he or his associates were listed as counsel, indicating that he was in a position to "settle" these additional cases as well. Moreover, Flynn repeatedly threatened Roth with the filing of still more lawsuits, unless his price was met by the Church of Scientology.

A. On June 2, 1981, Flynn notes:

"Despite the breakdown of the previous settlement discussions, perhaps it would be fruitful for the Church to make a proposal for the settlement of all existing cases. Such a proposal should be made within the next 14 days because an additional 8-10 cases are in the process of being commenced in Washington, New York and Los Angeles.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT

62657

GARY A. PAPPAS,

Plaintiff

v.

WAYNE B. HOLLINGSWORTH,

Defendant

CIVIL ACTION
NO.

SUFFOLK SUPERIOR
CIVIL CLERK'S
FILED

JUL 6 1983

MICHAEL JOSEPH
CLERK

AFFIDAVIT OF GARY A. PAPPAS

I, Gary A. Pappas, on oath do depose and say:

1. I am a member of the Massachusetts bar and an attorney engaged in private practice in Boston, Massachusetts.

2. In February, 1981 Wayne B. Hollingsworth and I made an oral agreement to enter into a partnership for the practice of law. We agreed to share equally in both the profits and losses of the business and to have an equal voice in the management of the business.

3. We practiced together under the firm name of "Hollingsworth & Pappas" from April 1, 1981 through March 17, 1983, at which time Wayne B. Hollingsworth gave me notice of his desire to terminate the partnership.

4. Since March 17, 1983, I have requested an accounting for and payment of my share of the partnership property.

Mr. Hollingsworth has refused, and has denied me access to partnership records and use and possession of most of the partnership property.

5. The following is a partial list of partnership property as of March 17, 1983, as to which I am entitled to a 50% share, after payment of liabilities and partnership contributions and subject to accounting for previous partnership draws. This list is based on my memory and information and belief, prepared without reference to the original books and records of the partnership, and may not be complete.

Equity in real estate, #10 Union Wharf	$ 75,000
Equity in Wang Computer Word Processing System	20,000
3 copying machines	10,000
7 typewriters	10,000
Office furniture and fixtures	105,000
Office equipment in Hollingsworth's home	10,000
Estimated collections and accounts receivable:	
Commercial Union	500,000
Other clients	250,000
	$980,000

6. Since the dissolution of the partnership on March 17, 1983, the partnership bank account has been closed and Mr. Hollingsworth has opened a bank account of his own. Since the dissolution of the partnership, Mr. Hollingsworth has received substantial fees for legal work performed during the course of the partnership, which fees

he has deposited into his new account. On information and belief, since February of 1983 Mr. Hollingsworth has received and deposited in the bank approximately $500,000 on account of legal services performed during the course of the partnership. Despite a demand by me, I have not received any part of these fees received from Mr. Hollingsworth.

7. During the course of the partnership, Wayne B. Hollingsworth engaged in repeated transactions diverting partnership funds for his personal use without my prior knowledge. Some examples are:

a. In June, 1982, Wayne B. Hollingsworth purchased a new Mercedes automobile for approximately $32,000. In October, 1982, I discovered that the monthly payments of about $850 were being charged to the firm.

b. In the fall of 1981, Wayne B. Hollingsworth purchased a Grumman Tiger aircraft for approximately $28,000, and in the summer of 1982 he bought a Lake Sea Plane for approximately $50,000. In April, 1983, I discovered that payments for these planes were made out of firm funds beginning in about November or December of 1982.

c. In January or February, 1983, I learned that Wayne B. Hollingsworth had taken $15,000 from the firm as a "loan" in August or September of 1982.

d. In April, 1983, I learned that Wayne B. Hollingsworth had taken out a $25,000 personal loan in September, 1982, which was repaid with firm funds.

8. Although Wayne B. Hollingsworth is the beneficial owner of the Mercedes and two airplanes described above, title to them is held by LexAir Ltd., a New Hampshire corporation which was set up by Mr. Hollingsworth.

9. Mr. Hollingsworth and his wife, June, are the beneficial owners of two pieces of realty (one in Belmont, Massachusetts and one in Mount Vernon, Maine), but title to the properties is held in the name of two real estate trusts formed by Mr. Hollingsworth.

10. Mr. Hollingsworth has flown to the Grand Cayman Islands a number of times in recent years. In reviewing partnership check records following dissolution of the partnership, I became aware of check No. 756, dated May 13, 1982, payable to the "Guinness Mahon Cayman Trust Ltd.," drawn by Mr. Hollingsworth's wife who was serving as bookkeeper for the firm. The check was charged as a loan repayment, and I have never received an adequate explanation for the check. I have also been told that Mr. Hollingsworth has "borrowed" over $100,000 from some source in the Cayman Islands and that he has a bank account there.

11. Because of Mr. Hollingsworth's pattern of diversion of partnership funds for his own use, his repeated use of trusts to hold property, and the information relating to his Cayman Island contacts, as set forth in Paragraphs 7 through 10 above, I believe that there is a clear danger that, if Mr. Hollingsworth is notified in advance of an attachment or trustee process against liquid assets such as bank accounts, deposits and credits, he will withdraw such assets and remove them from the state or conceal them.

13. Insofar as the matters stated above are stated on information and belief, I believe them to be true.

Gary A. Pappas

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. July 6, 1983

Then personally appeared before me the above-named Gary A. Pappas and acknowledged the foregoing facts to be true.

Notary Public

My commission expires: 1/19/90

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT

GARY A. PAPPAS,

Plaintiff

v.

WAYNE B. HOLLINGSWORTH,

Defendant

CIVIL ACTION
SUFFOLK, NO. 6265 SUPERIOR COURT
DEPARTMENT
July 6, 19 83
FILED BY LEAVE OF COURT.
ATTEST:
ASSISTANT CLERK

SUPPLEMENTAL AFFIDAVIT OF GARY A. PAPPAS

I, Gary A. Pappas, on oath do depose and say:

1. In approximately December of 1981, Commercial Union Insurance Company became a client of the firm of "Hollingsworth & Pappas." The firm assumed the defense of approximately 2,000 asbestos cases for Commercial Union.

2. From May, 1982 through the dissolution of "Hollingsworth & Pappas" on March 17, 1983, work for Commercial Union generated substantial revenues and receipts for the firm.

3. Attached hereto is a copy of the firm's bill to Commercial Union in the amount of $92,119.43 for the months of April and May, 1982.

4. A present employee of Wayne B. Hollingsworth told me within the last ten days that payments in excess of $500,000 had been received from Commercial Union during the period February, 1983 through June, 1983.

(9)

5. "Hollingsworth & Pappas" operated as a bona fide partnership during the period April 1, 1981 through March 17, 1983 and filed partnership federal and state income tax returns for 1981. Similar partnership tax returns have been prepared but not yet filed for 1982.

6. Insofar as the matters stated above are stated on information and belief, I believe them to be true.

Gary A. Pappas

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. July 6, 1983

Then personally appeared before me the above-named Gary A. Pappas and acknowledged the foregoing facts to be true.

Notary Public

My commission expires: 1/19/90

(10)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT

62657

SUFFOLK SUPER... CIVIL CLERK'S FILE

JUL 6 1993

MICHAEL JOSE... CLERK OF C...

GARY A. PAPPAS,

Plaintiff

v.

WAYNE B. HOLLINGSWORTH,

Defendant

CIVIL ACTION
NO.

VERIFIED COMPLAINT

1. This action is brought by one partner of a two-partner law firm after dissolution of the partnership, seeking an accounting for and payment of his interest in the partnership property pursuant to Mass. Gen. Laws ch. 108A, §§ 38, 40, and 43.

2. The plaintiff Gary A. Pappas is an attorney-at-law with offices and a usual place of business at 10-11 Union Wharf, Boston, Suffolk County, Massachusetts.

3. The defendant Wayne B. Hollingsworth is an attorney-at-law with offices and a usual place of business at 10-11 Union Wharf, Boston, Suffolk County, Massachusetts.

4. In early 1981, the plaintiff and the defendant reached an oral agreement to enter into a partnership for

the practice of law. The terms of the partnership were that the partners were to share equally in the profits and losses of the partnership and in the management of the partnership.

5. Effective April 1, 1981, the plaintiff and the defendant began doing business as a legal partnership under the name of "Hollingsworth & Pappas," initially at 11 Union Wharf and subsequently at 10-11 and 30 Union Wharf, Boston.

6. On March 17, 1983, the defendant Hollingsworth gave the plaintiff Pappas notice of his desire to terminate the partnership of "Hollingsworth & Pappas," and the partnership was thereby dissolved.

7. Since the dissolution, the defendant Hollingsworth, despite requests by the plaintiff, has refused to meet with the plaintiff to wind up the partnership's affairs and has refused to render an accounting to Pappas for Pappas' share of the partnership property, including its profits. The defendant has also deprived the plaintiff of his right to possession, use and enjoyment of a substantial portion of the property of the partnership.

8. As of the date of dissolution of the partnership, March 17, 1983, the plaintiff had an absolute right pursuant to Mass. Gen. Laws ch. 108A, § 43, to an accounting.

9. Upon dissolution of the partnership, the plaintiff had the right to a payment in cash of his interest in the

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partnership property remaining after the payment of all liabilities, pursuant to Mass. Gen. Laws ch. 108A, §§ 38 and 40.

WHEREFORE, the plaintiff prays that the Court:

A. Decree the dissolution of the partnership of "Hollingsworth & Pappas" effective March 17, 1983, and order the winding up of its affairs and the liquidation of its property;

B. Order a full accounting for all property, assets and profits of the partnership and order that Hollingsworth pay to Pappas the amount owed Pappas pursuant to such an accounting; and

C. Grant such other relief as it may deem just and proper.

GARY A. PAPPAS

By his attorneys,

Thomas F. Maffei
Amos Hugh Scott
CHOATE, HALL & STEWART
60 State Street
Boston, MA 02109
Tel. (617) 227-5020

Dated: July 6, 1983

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. July 6, 1983

Then personally appeared before me Gary A. Pappas and acknowledged that the facts stated herein are true except as to those facts which are stated to be on information and

CERTIFICATE OF SERVICE

I, Carmen A. Frattaroli, attorney for the plaintiff, hereby certify that I have this 21st day of September, 1982, served a copy of the foregoing Memorandum in Support of Plaintiff's Motion for Protective Order by mailing a copy of same postage prepaid, directed to: J. Owen Todd, Esquire, Hale and Dorr, 60 State Street, Boston, MA 02109.

CARMEN A. FRATTAROLI
Costello, Hourihan,
Frattaroli and Barrett
Two Salem Green
Salem, MA 01970
(617) 745-8670

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Commonwealth of Massachusetts.

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 62657

Gary A. Pappas, Plaintiff(s)

SUFFOLK SUPERIOR CIVIL CLERK'S OFFICE FILED
JUL 27 1983
MICHAEL J. DONOVAN CLERK OF COURT

v.

Wayne B. Hollingsworth, Defendant(s)

SUMMONS

To the above-named Defendant: Wayne B. Hollingsworth

You are hereby summoned and required to serve upon Amos Hugh Scott, Choate, Hall & Stewart, plaintiff's attorney, whose address is 60 State Street, Boston, MA 02109, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, JAMES P. LYNCH, JR., Esquire, at Boston, the 6th day of July, in the year of our Lord one thousand nine hundred and eighty-three.

Michael Joseph Donovan
Clerk/Magistrate

file the original in the Clerk's Office.

NOTES.
1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) — TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) — EQUITABLE RELIEF — (5) — OTHER

Form CIV. P. 1 2nd Rev. 3-82-10M

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT

62657

GARY A. PAPPAS,

Plaintiff

v.

WAYNE B. HOLLINGSWORTH,

Defendant

CIVIL ACTION
NO.

SUFFOLK S... CIVIL CL...

JUL 6 19...

MICHAEL JOS... CLERK ...

CERTIFICATE CONCERNING INSURANCE

I, Gary A. Pappas, the plaintiff in this case, hereby state that I practiced law in a partnership with the defendant, Wayne B. Hollingsworth, from April 1, 1981 through March 17, 1983 and that I do not know of any liability insurance held by the defendant which will be available to satisfy a judgment in this case, nor do I have any reason to believe that any such liability insurance exists.

Gary A. Pappas

Dated: July 6, 1983

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 62657

Henry A. Peffer PLAINTIFF(S)

v.

Boyd Hawkins & C. Archibald Trustee DEFENDANT(S)

FINDINGS AND EX PARTE ORDER OF APPROVAL OF ATTACHMENT ON TRUSTEE PROCESS

THIS CAUSE CAME ON TO BE HEARD UPON AN EX PARTE MOTION FOR AN ORDER OF APPROVAL OF ATTACHMENT ON TRUSTEE PROCESS, AND THEREUPON, UPON CONSIDERATION THEREOF, THE COURT HEREBY FINDS THAT:

1. THERE IS A REASONABLE LIKELIHOOD THAT THE PLAINTIFF WILL RECOVER JUDGMENT, INCLUDING INTEREST AND COSTS, IN AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT OF THE TRUSTEE PROCESS OVER AND ABOVE ANY LIABILITY INSURANCE KNOWN OR REASONABLY BELIEVED TO BE AVAILABLE, AND THAT EITHER

2. THE PERSON OF THE DEFENDANT IS NOT SUBJECT TO THE JURISDICTION OF THE COURT IN THE ACTION,* OR

3. THERE IS A CLEAR DANGER THAT THE DEFENDANT IF NOTIFIED IN ADVANCE OF THE ATTACHMENT ON TRUSTEE PROCESS WILL WITHDRAW THE GOODS, EFFECTS OR CREDITS FROM THE HANDS AND POSSESSION OF THE TRUSTEE AND REMOVE THEM FROM THE COMMONWEALTH OR WILL CONCEAL THEM,* OR

4. THERE IS IMMEDIATE DANGER THAT THE DEFENDANT WILL DISSIPATE THE CREDITS, OR DAMAGE OR DESTROY THE GOODS OR EFFECTS TO BE ATTACHED ON TRUSTEE PROCESS.*

THEREFORE, THE COURT HEREBY APPROVES ATTACHMENT ON TRUSTEE PROCESS IN THE AMOUNT OF $ 100,000.00

SUBJECT TO ALL APPLICABLE EXEMPTIONS AND LIMITATION PROVIDED BY LAW.

John Paul Dennis
JUSTICE OF THE SUPERIOR COURT DEPARTMENT

ENTERED: July 6 1983

Note: *Strike out findings not applicable.

FORM Civ.P.7(Rev.) 10-78 500

belief as to which the said Gary A. Pappas acknowledged that he believes them to be true.

Gary A. Pappas

Notary Public

My commission expires: 1/19/90

b

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK , SS. SUPERIOR COURT NO. 56236

PHILIP F. MULVEY, JR., Plaintiff

VS.

WAYNE B. HOLLINGSWORTH and GARY A. PAPPAS, Defendants

AFFIDAVIT OF PHILIP F. MULVEY, JR.

I, Philip F. Mulvey, Jr., being duly sworn, depose and say:

SUFFOLK SUPERIOR COURT CIVIL CLERK'S OFFICE FILED JUL 27 1982 MICHAEL JOSEPH DONOVAN CLERK OF COURTS

That I am an attorney and a member of the Massachusetts Bar Association, having been admitted to practice law in this Commonwealth in the spring of 1977.

My education includes a B.A. in Biology from Clark University, an M.S. in Biology from Bowling Green University, a Ph.D. in Biology from the State University of New York at Buffalo, and a J.D. from Suffolk University.

Prior to entering the profession of law, I worked for NASA and the United States Army conducting scientific experiments for both.

I also taught at Suffolk University in the Biology Department for twenty-one (21) years, full time and part time.

After having been admitted to the Massachusetts

Bar in 1977, and while still teaching at Suffolk University, I opened my own law office and began to specialize in the field of plaintiff-medical malpractice. Presently, my caseload is about ninety (90) percent medical malpractice.

In November of 1981, I joined the law firm of Wynn & Wynn, One Taunton Green, Taunton, Massachusetts and stayed there until June 4, 1982, at which time we amiably parted ways because the firm did not wish to get into medical malpractice litigation on a large scale.

Prior to this time, I had met and talked to Wayne B. Hollingsworth of the firm of Hollingsworth and Pappas, Ten Union Wharf, Boston, Massachusetts, about the feasibility of becoming associated. There was a need for someone with a medical background to join said firm because Hollingsworth & Pappas were to be handling a large number of asbestos cases, being defense counsel.

On or about June 1, an agreement was reached that I would receive a salary of $45,000.00. Additionally, with regard to five (5) to six (6) significant medical malpractice cases I had worked on for years, there would be a percentage fee split with the firm on any monies received on these cases. Specifically, sixty (60) percent of the fees received

by the office on these cases would go to myself and forty (40) percent to the firm. On or about June 7, 1982, I commenced employment with the defendants' law firm.

On or about Thursday, July 8, 1982, one of the significant cases I brought to the firm was settled for $800,000.00. The name of the case is Clair O'Callaghan, Executrix for the Estate of Francis Dorion v. John Murphy, et al, Norfolk Superior Court, and it was referred to me by Attorney Thomas Barron, 1372 Hancock Street, Quincy, Massachusetts, who was to receive fifty (50) percent of the fee.

After the settlement of this case, but prior to any disbursements, defendant, Wayne B. Hollingsworth refused to go along with the earlier agreements. He wanted to give Attorney Thomas Barron less than his percentage, and offered to give me far less than my agreed upon share.

I met with both partners, Wayne Hollingsworth and Gary Pappas and both attorneys insisted on changing the terms of our agreement. I steadfastly refused.

On July 12, 1982, the case was on the list at Norfolk County. That day I settled the hospital portion, and received from Judge Irwin a 30-day order to August 12 for both parts of the case.

I met with Gary Pappas on July 19, 1982, and was told there was no change in the firm's position. On July 20, 1982, I began packing my files and other personal items, as I had told the defendants I would no longer be a part of this.

At about 2:30 p.m., I told my secretary, Joyce, that I would be gone for thirty (30) minutes.

When I came back, I found my plant, pictures, diplomas and brief case in the reception area. My files and boxes were gone and Joyce was not around.

I then met with Wayne Hollingsworth about my files and other contents, and asked to see them and he responded, "They are not here."

At that time I sought informal advice from a good friend, Bob Popeo of the firm, Mintz, Levin, Cohn, Glovsky and Popeo. As a result of this call, I made an immediate demand for my files, which was again rejected by the defendant Hollingsworth. I also, that night, reported this possible "theft" to the police, as evidenced by Exhibit "A" (Incident Report). Finally, I met the next day with Associate Bar Counsel Dermot Meagher of the Board of Bar Overseers, and registered a formal complaint with the Board.

That night my sons Philip F. Mulvey, III and Brian J. Mulvey went into the office of Hollingsworth

and Pappas asking the return of the files. Despite the fact that Philip was well known at the office, they were met with hostility. Moreover, they were asked to leave as trespassers, and Hollingsworth, while calling the police, threatened if the police don't arrive, that he might have to shoot them.

I spoke to the private security officer at the front gate who stated to myself and to my two sons that there were no reports of a break-in during that day.

I then felt that I needed counsel to handle this so I hired the law firm of Costello, Hourihan, Frattaroli and Barrett of Two Salem Green, Salem, Massachusetts.

On July 21, 1982, my attorneys made a second demand, this one in writing, to the defendants for my files, records and personal materials. (See Exhibit "B")

This letter was hand delivered by constable in the early afternoon of Wednesday, July 21, 1982. Later that afternoon, one of my attorneys, Walter A. Costello, Jr., had a telephone conversation with Hollingsworth. Costello advised him that the files belonged to the clients, and to the referring attorneys, and that he, the defendant, had no right to keep them. Hollingsworth refused to turn them

over, but left the impression that he would release them to the client or referring attorney, if demand was made.

That night I contacted nearly all the referring attorneys and clients and told them what happened. They all agreed to cooperate fully and to make demands for their files.

On Thursday, July 22, 1982, my attorneys made another demand for the files, again by hand delivered letter. See Exhibit "C". Along with this letter, my attorneys included three (3) letters from attorneys Walter L. Sullivan, (Exhibit "D"), Bryan J. Stephens, (Exhibit "E") and Daniel Hourihan, all making immediate demands for their files. Additionally, my attorney Carmen A. Frattaroli attempted to reach Hollingsworth but was told he was not in. He left a message, but has not received a call back.

Attorney Sullivan went personally on Friday, July 23, 1982, to pick up his file (the Downing Case) and was told Hollingsworth was "away until Monday or Tuesday". Attorney Stephens and other clients and attorneys have made similar demands with similar lack of success. Also, my attorney tried to call Hollingsworth on Monday, July 26, 1982, without success.

There are approximately twenty-four (24) files

involved that are being withheld, all in varying stages of litigation. Without these files, I cannot properly represent the clients' interests, and severe prejudice may result.

Specifically, on this coming Friday, July 30, 1982, my client and plaintiff, Mrs. William Robinson, Executrix of the Estate of William Robinson, is being deposed at the offices of Ficksman & Conley, 40 Broad Street, Boston, Massachusetts.

Similarly, the Brown case is scheduled for trial on Monday, August 2, 1982, before Judge Paul Garrity in Suffolk Superior Court.

On the Green case, there was a motion today, for speedy trial.

Thus, I am seeking a temporary restraining order and a preliminary injunction on the following grounds:

a) That my clients will suffer irreparable injury if it is not granted.

b) There is a likelihood of success on the merits.

c) That the public interest as well as the interest of clients will be harmed if the order is not granted.

d) The other parties will not suffer greater harm if the stay is granted than if it is denied.

The likelihood of success is very good and the injunctions are sought so that Attorney Mulvey may continue his practice.

Signed under the pains and penalties of perjury this 27 day of July, 1982.

Philip F. Mulvey 2.
PHILIP F. MULVEY, JR.

JAN81 (C)

Loss of Income and Business

A. Adverse Publicity

1. Local Newspaper activity in cities where clients reside and lawsuits have been filed:

   a) Television appearances on newspapers and talk shows - (i.e. Boston news programs and morning talk show, Good Day)

   b) Newspaper commentary - local journalist have keyed upon criminal and tortious practices of Scientology members - (i.e. Boston Globe, Boston Herald, Real Paper, have published articles critical of Scientology practices as alleged in local complaints; Clearwater Sun, St. Petersburg Times, etc. have likewise exposed Scientology practices in outlined in local suits.)

2. National Media attention attirbutable to our office:

   a) UPI and AP wire services have written and transcribed numerous stories for their stories for thier clients, Burden complaint and accusations re: L. Ron Hubbard; Dr. Lawerence Stifler and physical attack by Scientologist; LaVenda Van Schiack class action.

   b) 60 Minutes - our own office assisted Allan Maraynes in production of Scientology documentation by providing witnesses and documents.

   c) Time Magazine - our office provided extensive witnesses and documents to Evan Thomas.

   d) Prime Time - our office assisted Stephanie Meagher with documents and witnesses in preparation of documentary or Scientology.

   e) Reader's Digest - "Scientology: Anatomy of a Frightening Cult," assisted Gene Methvin with documents and witnesses.

   f) St. Louis Dispatch: assiting Bill Freivogel with fits supporting documents and witness corroboration.

   g) Las Vegas Review Journal - assisting Sherman Frederick with facts, supporting documents and witness corroboration.

   h) ABC San Fransico - We have assisted Tim Finely with facts supporting documents, and witness cooroboration.

   i) Clearwater Sun - we have periodocally assisted Richard Leiby with a series of articles regarding Scientology.

   j) National Enquirer - assisted N.E. reporter with background information for article about Presely estate.

   k) Snapping - Conway & Seigelman consulted extensively with us while writing their book. We provided them with particular documents.

l) Riverside Free Press - we assisted Dick Lyneis with documents, witness, affidavits, and other background information regarding Scientology and the Gilman Hot Springs Operation.

m) Los Angeles Times - weprovided L.A. Times reporters with clients affidavits while they were preparing a series of articles on Scientology.

n) The American Lawyer - did a report on Michael Flynn and the class action in Federal Court in Boston.

o) Boston Globe - we assisted Paul Langer with witnesses, documents, and affidavits.

II. Future Adverse Publicity

A. Filing of future cases by city and state

1. "Turnkey" publicity

a) press package including
- prime documents
- witness statements
- previous news articles
- previous media attention

b) consultation with associate counsel re: effective handling of media and re Scientology tactics in harassment and intimidation of media.

B. Trial of future cases

1) public dissection of internal Scientology operation

2) media coverage of trial testimony and evidence:

-sales techniquw
-misuse of auditing information
-criminal activities
-Guardians' activities
-financial policies, banking and transfer of funds
-disconnect and fair-game
-false scientific claims
-sexual misconduct
-R.P.F. and imprisonment
-military structure and discipline
-"sec checking" - E-meter as a lie detector
-OT 3 materials
-L.RON Hubbard personal history
-debt collection techniques
-Scientology use of burglary, electronic surrveillance, third partying
-blown student doctrine

C. Judicial Precedents

1) news impact of judges decisions
a) Garrity
b) Kretzman
c) additional cases

2) professional publicity re claims filed and jury verdicts

D. March Conference (see seperate section)

E. Book and Film Rights

F. Loss of Business to Scientology

1) increased rate of defection

a) present members are influenced by continual onslaught of bad publicity and public exposure of Scientology "dirty laundry"

b) potential defectors are influenced and encouraged byexistence of organized group of ex-Scientologists who are sueig Scientology

c) potential defectors can . easily locate and meet with organized ex-Scientologists and receive support from them.

2) new membership prospects are impaired by growing public awareness of viscious, greedy, criminal, fruadulent and conspiratorial aspects of Scientology, and by awareness of organized group of ex-Scientologists who are critical of Scientology.

Loss of Income and Business

I Adverse Publicity

-Local Newspaper Activity in cities where client and lawsuits are
- -T.V. Appearnaces
- -Radio Talk Show
- -Newspaper Commentary

-National Media Attention
- -UPI and AP Services
- -60 Minutes Assistance
- -Time Magazine
- -Prime Time Show
- -Readers Digest
- -St. Louis Dispatch
- -Las Vegas Review Journal
- -A.B.C. San Francisco
- -Riverside
- -L.A. Times
- -The Zetetil
- -American Lawyer
- -Boston Globe-Herald
- -Snapping
- -Clearwater Sun
- -Canadian Newspaper
- -National Enquirer

Alan Haraynes
Evan Thomas
Stephanie Meagher
Gene Methvin
Bill Freivogel
Sherman Frederick
Tim Finley
Dick Lynes
Paul Kurtz
Paul Langer
Conway&Seigelman
Richard Leiby

II Future Adverse Publicity

-Filing future cases by city and state

A. Turnkey Publicity

1. Press Package
   a. All Documents
   b. Witnesses
   c. Clients
   d. All other
   e. National
   f. media exposure

B. Trial of Future Cases-

A dissecting of internal Scientology practices.

1. Media Coverage of Trial Testimony and Evidence
   a. Sales Technique
   b. Recruiting
   c. G.O. Activities
   d. Misues of Auditing Files
   e. Finanacial Policy
      -examination of management of transfer of funds between organization for jurisdictional purposes
   f. Scientology Policies
      1. Disconnect
      2. Fair Game
      3. Bl Student
      4. Hubbard Policy to Harrass and Delay

5. Third Partying
6. Bair and Switch

C. Judicial President Precedents

1. New contacts of Judges Decisions

A. Judge Garrity
B. Judge Krentzman

2. Professional Publicity

D. Future National Publicity
- Movie Rights
- Book Rights
- (see present adverse publicity)

E.
1. Local Media Coverage — To be held in Clearwater (Seminar)

1. Clearwater Sun
2. St. Petersburg Times
3. T.V. Stations
4. Local Media Attending from other states

2. Professional Publication
1. Atla Magazine (American Trials Lawyers Association -(ed. note)
2. American Lawyer
3. etc.

3. National Media Attention

Loss of Income

A. Boston Org
B. N.Y. Mission
C. Las Vegas Org
D. Las Vegas Mission Closed
E. Flag at Clearwater

March Conference

1) Purposes and Goals of Conference

a) establish efficient communication, data collection, and data exchange among government and private attorneys presently engaged in litigation with Scientology organizations and investigation of Scientology activities.

b) secure services of associate counsel to represent potential claimants outside of Massachusetts who as yet have not commenced litigation

c) establish consulting and referral systems among attorneys engaged in Scientology litigation

2) Lead Counsel - conference found to be based on presentations by attorneys experienced in handling Scientology litigation
- Kimball Flynn (Boston)
- McMurray & Wade (Portland)
- Cunningham & Logan (Tampa)
- Kenneth Staroscik (Atlanta)

- John Rosner (L.A.)
- O'Reilly & Clark (L.A.)
- representatives of Internal Revenue Service and United States Attorney's Office
- representatives of American Medical Association

3) Associate Counsel :- conferees to consist of

a) private and government attorneys presently engaged in Scientology litigation

b) counsel who specialize in presenting potential claimants who wish to seek legal redress & who are not yet involved in litigation (see "Attorney Solicitation Program")

4) Discovery Orientation Program - methods of securing associate counsel to represent claimants outside of Massachusetts

a) telephone referral system; professional announcements (ATLA, ABA, local bar periodicals)

b) follow up letters

c) attorneys informational package (history of litigation, nature of potential claims, damage evaluation; legal evaluation, fee proposal, cost proposal)

5) Conference Format

a) speakers to include: Gerald Lead counsel, Jean Methvin, Barb and Margaret Swiggs, L. Ron Hubbard Jr., Betty Orsini, Julie Christoffersen, Paulette Cooper, Gabe Cazares, Citizens Freedom Foundation.

b) Press coverage:

- news media: L.A. Times, ABC, CBS, NBC, Readers Digest, Washington Post, St. Louis Post-Dispatch, Chicago Tribune, Las Vegas Review Journal, local TV.

- professional publications; American Lawyer, Trial Magazine, Case & Comment,

board bar publications

c) Seminar Topics:

i) introduction - L. Ron Hubbard, history of Sci, internal structure, financial structure, auditing, collection, use, and misuse of information, Sea structure, Guardian and illegal activities, Cooper case, Cejus case, Washington convictions, Christopher case, Silard case, doctrines ~~of sin game and disconnect~~

ii) theories of liability - fraud and misrepresentation, intentional infliction of emotional duties, libel & slander, invasion of privacy, breach of fiduciary duty, Fair Labor Standards Act, Racketeering Influenced and Corrupt Organizations Act, conspiracy, money had and received.

iii) documents - Washington documents, official Scientology publications, financial reports, tax returns and IRS audits, newspaper articles,

Reed's Digest article, pleadings in pending cases, legal memoranda, court decisions, deposition transcripts, client affidavits, Scientology correspondence

IV. Witnesses - expert testimony on psychological and psychiatric issues, handwriting issues, and financial issues; ex-Scientologists; ex-Guardians; L. R. Hubbard, Jr.; FBI and IRS agents.

V. Legal issues - First Amendment, [illegible] Court jurisdiction over Church of Scientology of California, Privileges, statutes of limitations, waivers and releases, conspiracies, counterclaims

VI. Damage issues - cash paid, F.L.S.A. computations, psychological measures of psychic damage, measures of punitive damage.

VII. Security Considerations - "false" clients, electronic surveillance and security, burglary, telephone harassment of clients, blackmail.

VIII. Data Collection and Exchange - issues include
- development of Scientology data banks (names, dates, financial data, depositions, suits, legal documents, witnesses, miscellaneous information.
- access security
- integration of government and private sources
- collection and monitoring of financial activity data.

IX. Litigation Support and Consultation - issues include -
- development of routine litigation support and consultation service between private and government attorneys engaged in Scientology litigation
- integration of organizational file data (AMA, IRS,

3/17

(2)

Dept of Labor, private counsel, Treasury, DEA).

- adoption of ATLA model for complex litigation resource sharing.

X Fee arrangements - negotiation of suitable fee arrangements with associate counsel.

- Key lawsuit concept - ... gration of litigation support services for associate counsel. Concept maximizes collective use of legal work significantly reduces effectiveness of scientology dilatory tactic of harassment defense.

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Summary of Offerings

Major Hurd	$107,854.	306,000	626,831
Joel Ivey	112,602	300,000	641,000
~~Stone Fruits~~			
Jay Hawkins	334,155	468,000	1,069
M. Lawrence Wyles	450,000	1,200,000	2,500,000
Peter Moore	256,510	408,000	913,020
Ernest Hardwell	172,000	322,000	1,522,000
James Harris	124,000	224,000	648,000
Est Mary Lee Fidel Hardwell	172,000	322,000	1,522,000
Pulitte Cooper	2,000,000	5,000,000	10,000,000
Tonja Burden	5,352,000	8,402,852	13,114,904
Steve Hawkins	167,703	$324,000	$582,406
~~Clara Lorraine Cooper~~			
Lt Jerde Hurd trust (divided)	331,049	631,049	1,119,098
Steve Tanner (" ")	352,511	552,874	1,081,098
	9,835,552	18,960,950	35,318,117
Clara Peters - Brown	50,000,000	100,000,000	200 mill.

Ex-Scientologists charge Hub tricks

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■ SCIENTOLOGY

Continued from Page 1

However, through its lawyer, Harvey A. Silverglate, the church said in a letter to The Globe that it is investigating the charges made by Dardano and Friske to determine if they are true, and what role, if any, others in the church might have played in the activities. But Silverglate said that from the church investigation so far "it appears quite clear" that Dardano and Friske were acting without the authorization of the church and contrary to church policy.

Silverglate wrote that if law enforcement authorities investigate and confirm the allegations, "the church stands ready and willing to cooperate with such authorities to achieve justice."

Dardano, 32, of Dorchester, was a member of the church from 1972 to 1975, and for part of that time was involved in intelligence gathering and "dirty tricks." Friske, a member of the church from 1972 to 1982, said he was head of internal security for the Boston church and the custodian of its most sensitive files. He is 35 and now lives in Lynn.

The activities that Dardano and Friske alleged in interviews, affidavits, depositions or other sworn testimony that they and others were involved with on behalf of the church include:

- The burglary of the Belmont office of a psychiatrist in 1975 in order to steal the doctor's files on one of his patients, who had written a book highly critical of Scientology.
- The theft of documents from the Boston law firm of Bingham, Dana and Gould, counsel for The Boston Globe, in late 1974 as part of a plan to monitor the newspaper's preparation of a Sunday Magazine article on the church.
- The systematic theft and destruction of books critical of the church from libraries throughout New England.
- The planting of a church member as a volunteer inside the state attorney general's office to intercept consumer complaints about Scientology. They said the volunteer also used his position to call other law enforcement agencies around the country to elicit information the agencies had on the church.

In addition, according to Scientology documents and interviews with Friske and Dardano, some members of the church were also engaged in a campaign to discredit a member of the faculty at Harvard Medical School, psychiatrist John Clark Jr., who has done extensive research into cults and who has frequently spoken out against Scientology.

Church turned down interview

Although the Boston church refused an interview with The Globe, its president, Rev. Maureen Nagles, said in a letter to the newspaper that it is "absolutely against every belief and long-standing policies of the church to be a party to any action that is illegal."

Referring to Dardano and Friske, Rev. Nagles said, "What these two have failed to tell you about is what the rest of the church's members were doing while they were committing their purported illegal activities. As is our standard daily routine, the rest of us were ... counseling parishioners ... providing training courses for ministers of the church as well as courses to help parishioners in their day-to-day living and assisting in many worthwhile community-based projects."

Most of the Dardano-Friske allegations were given to the attorney general's office in November 1980, after Dardano gave a statement to Flynn, the Boston lawyer who is suing the church for fraud on behalf of 32 defectors. However, according to Stephen P. Delinsky, former head of the office's criminal division, a decision was made by the agency not to go forward with prosecution, in part because the six-year statute of limitations for prosecuting some of the alleged crimes was close to running out.

Delinsky also said he felt Flynn was trying to use a possible prosecution of Scientologists to assist his own civil litigation. "I felt that was not the proper use of the criminal justice system, and I felt uncomfortable," Delinsky, who is now in private practice, said recently. Flynn denied his intentions were self-serving and said it should be the responsibility of the attorney general to prosecute crimes regardless of who it benefits.

Dardano said his role in carrying out "dirty tricks" took place in 1974 and 1975, the year he quit the church. Friske, however, said he was heavily involved in a harassment campaign against Clark in

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

82B 17

In re the Estate of L. RON HUBBARD, A Missing Person.	PROBATE NO. 47150

REPORTER'S TRANSCRIPT

Proceedings before The Honorable J. David Hennigan, Judge of the Superior Court of the State of California, County of Riverside, Department XII, on Thursday, March 17, 1983.

APPEARANCES OF COUNSEL:

For the Petitioner:

CHEONG & DENOVE
Attorneys at Law
By: WILKIE CHEONG, ESQ.
Century City North, Suite 340
10100 Santa Monica Boulevard
Los Angeles, California 90067

For the Respondent, Mary Sue Hubbard:

BARETT S. LITT and
MICHAEL S. MAGNUSON
Attorneys at Law
The Oviatt Building
617 South Olive - Suite 1000
Los Angeles, California 90014

COPY

BONNIE J. REYNOLDS, CSR NO. 2490
Official Court Reporter
3536 Tenth Street - Ste. 160
Riverside, California 92501
(714) 787-6656

* * *

For example, I presently am aware of -- because of a lot of my investigation -- the subject matter in general of transactions involving the corporation called Intercap Limited. It's a Nevada Corporation which vice president was indicted by an Arizona Grand Jury.

Between April '82 and June 18 of 1982, several checks were made payable from L. Ron Hubbard to Intercap Limited. Its connection to organized crime is currently being investigated by an Arizona Attorney General. The information and availability of evidence about the control of L. Ron Hubbard's assets and manipulation of those assets by several individuals in Intercap Limited, including James Isaacson and Lyman Spurlock, is subject matter which I happen to be familiar with in connection with the litigation in general.

It is directly pertinent to the proceedings here because we believe that the evidence is going to show the Court that that corporation has been wrongfully manipulating and controlling Mr. Hubbard's assets. Mr. DeWolfe would not have had access or would not have even known of the availability of that type of evidence. That is simply one example.

The problems confronting Mr. Hubbard's counsel in Florida, the problems of Mr. Goldfarb confronting, trying now to move to withdraw as counsel for L. Ron Hubbard because he can't consult with him and only consulting with Mr. Lenske is a problem the evidence of which is very important for the trier of fact in this case. And that type of evidence would not have been made available to the Court if I didn't represent Mr. DeWolfe, because Mr. Cheong simply wouldn't have known

Law Offices of
MICHAEL J. FLYNN
Twelve Union Wharf
Boston, Massachusetts 02109

Faneuil Hall Office
One Faneuil Hall Marketplace

Telephone
(617) 523-1644

June 2, 1981

Jay Roth, Esquire
617 South Olive Street
Suite 510
Los Angeles, California 90014

Dear Mr. Roth:

The Church has made several recent requests for a demand and/or settlement discussions in connection with the Burden case in Florida. These requests have been made by local counsel of the Church in Tampa to our local counsel in the Tampa case.

It would be appropriate in the future to direct all proposals or settlement initiatives to this office.

Despite the breakdown of the previous settlement discussions, perhaps it would be fruitful for the Church to make a proposal for the settlement of all existing cases. Such a proposal should be made within the next 14 days because additional 8-10 cases are in the process of being commenced in Washington, New York and Los Angeles.

I would suggest that a reasonable offer for all pending litigation, an agreement for no future litigation involving this office, and a return of all "Washington documents" should be made with no other conditions or contingencies except releases and that the proposal should be not less than 1.6 million dollars.

Very truly yours,

Michael J. Flynn

Michael J. Flynn

MJF:lf

(3)

Law Offices of
MICHAEL J. FLYNN
Twelve Union Wharf
Boston, Massachusetts 02109

Faneuil Hall Office
One Faneuil Hall Marketplace

Telephone
(617) 523 1844

June 17, 1981

Jay P. Roth, Esquire
617 South Olive Street
Suite 510
Los Angeles, CA 90014

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Dear Mr. Roth:

In reply to your letter of June 10, 1981, we are proposing to resolve the following existing law suits:

1. Burden
2. Hartwell
3. Cooper v. Church of Scientology of Boston in the Federal District Court of Boston
4. Troy
5. Hansen
6. Van Schaick/S. Garritano
7. Graves, L. Garritano, S. Garritano, Gervais
8. Stifler
9. Donald Bear, Peggy Bear (about to be filed in New York)
10. Seubert (recently filed in Washington)
11. Varchal and Smith
12. Schwartz (about to be filed in Washington)
13. Peterson, Garrity, Lockwood, Jefferson (about to be filed in Los Angeles)
14. Carringer, Littler, Novotney, LeCornu, McGahey (about to be filed in Los Angeles)

We are not proposing to resolve any other Florida cases, or any other cases in the hands of lawyers not associated with us.

We are proposing to withdraw completely from all future Scientology litigation which includes all assistance of any nature to other lawyers, interest groups, etc.

If the Church is interested in our proposal, I would suggest that it move quickly because we are in the process right now of associating with 5 additional lawyers in various cities in connection with 20 additional law suits. We have currently

developed new associations with lawyers in Washington, New York, Los Angeles and Denver.

Without the collection of documents, materials, witnesses and knowledge which we have amassed throughout the United States, these lawyers would, as a practical matter, be unable to proceed. Over the next 30 days we expect to solidify our positions with these lawyers and double our efforts to initiate law suits on behalf of our numerous clients.

We are at the crossroads of increasing the litigation or withdrawing completely from it.

If we are unable to effectuate a settlement, we will be left with the sole option of increasing the litigation as rapidly and in as great a number as possible. We will contiue these efforts while the Church is deliberating about our proposal.

I will expect to hear from you as soon as possible.

Very truly yours,

Michael J. Flynn

/let

MIDDLESEX NEWS
FRAMINGHAM, MS.
D. 50,300

14 JAN 81

Cults called growing threat

PAGE ONE



DR. JOHN CLARK
...dangerous

By GAIL SULLIVAN
News Staff Writer

WALTHAM — Under the right conditions, political or religious extremists could brainwash you.

Cultism is growing and is rekindling anti-Semitic hatred among us, according to a Harvard University psychologist who feels people should worry more about the phenomenon.



"The Jews I know are getting scared, and I believe they should be," John G. Clark, a psychiatrist on the Harvard Medical School and Massachusetts General Hospital staffs, said Tuesday.

"You don't have to be crazy to become involved with a cult," Clark told about 30 Waltham Kiwanians who sat entranced by his story.

He feels cults like the Unification Church (or Moonies as its followers are called), Scientologists, Hare Krishnas and members of the Divine Light missions — among an estimated one to three million cultists worldwide — are dangerous.

(Continued on 13A)

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Cults

(Continued from 1A)

"Even Born Again Christians are playing with fire," Clark said, because their thinking follows an absolutist line. The Weston psychiatrist recently appeared on the ABC-TV show "20-20."

After studying the cultist phenomenon for the last seven years, he concludes its roots reach back throughout history. When social upheavals occur, cults flower because people's reasoning powers become overloaded and may short-circuit.

Clark defines as "dangerous" cult-thinking that hurts people, that breaks apart families and wipes out a person's reasoning powers.

One cult he knows of uses women as prostitutes — as "bait" for the cult to dangle to reel in religious converts. One group chose Boston as a "holy-city" headquarters because the metropolitan area, with its surfeit of colleges filled with potentially troubled youths, is a good "marketplace."

In Clark's opinion, the American Civil Liberties Union is aiding a bad cause by fighting for these cults' First Amendment rights of free speech.

"You have to use common sense and have the courage to question a group's ethics," he said.

How does a person become converted to a cult in which he may find his personal pride stripped away or his medical needs ignored?

Clark says conversion can occur when people are emotionally vulnerable. They may have problems they would solve if given time, but because of emotional stress, these people are temporarily easy targets.

Adolescents and people who deal with major crises like death and divorce are such targets, he said.

These people are forced by circumstances to look at themselves and the future differently than they had in the past. Hopefully, they can integrate their new experiences with their memories and redirect their lives in a healthy way.

But cultists prey on people in need of emotional support, Clark pointed out.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER	
vs.	Docket No. 81-4275-FW
KEVIN M. FLYNN, et al	

DEPOSITION of JOHN C. CLARK, Jr., a witness called by and on behalf of the plaintiff, pursuant to notice under the Federal Rules of Civil Procedure before Josephine C. Aurelio, CSR/RPR, a Notary Public in and for the Commonwealth of Massachusetts, at the offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, on Friday, April 16, 1932 commencing at 10 a.m.

APPEARANCES:

DONALD C. RANDOLPH, Esq., Randolph & Levanas
11620 Wilshire Boulevard, Los Angeles, CA 90025
representing the plaintiff

JOEL LEVINE, Esq., Stilz, Boyd, Levine & Handzlik, Two Century Plaza, Suite 1200
Los Angeles, CA 90067
representing the deponent

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER	
vs.	Docket No. 81-4275-FW
KEVIN M. FLYNN, et al	

DEPOSITION of MICHAEL J. FLYNN, a witness called by and on behalf of the plaintiff, pursuant to notice under the Federal Rules of Civil Procedure before Josephine C. Aurelio, CSR/RPR, a Notary Public in and for the Commonwealth of Massachusetts, at the offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, on Thursday, April 15, 1982 commencing at 11:30 a.m.

APPEARANCES:

DONALD C. RANDOLPH, Esq., Randolph & Levanas
11260 Wilshire Boulevard, Los Angeles, CA 90025
representing the plaintiff

JOEL LEVINE, Esq., Stilz, Boyd, Levine & Handzlik, Two Century Plaza, Suite 1200
2049 Century Park East, Los Angeles, CA 90067
representing the deponent

purpose of the meeting was to coordinate the defense?

A. At the meeting, I couldn't testify, although, I believe in the phone conversation, there was something before he came up. There was something to the effect I should come up to see you so we can discuss this recently brought suit.

Whether that falls in the characterization of your question, I don't know. That's up to you to decide.

Q. Do you recall what Dr. Clark said at this meeting if anything?

A. No. I have no memory of what he said. I have a memory of my sympathy toward Jack Clark at that meeting.

I remember him sitting quietly -- if this is the same meeting, I remember Jack Clark as a very quiet reserved gentleman type of man. If he was at this particular meeting -- and I've been at many meeting with Jack Clark -- I just have a vague memory of saying, how could it possibly be that he was sued.

Q. How many meetings do you recall being with Jack Clark in which this lawsuit was discussed?

A. I really don't have any particular meeting

Q. With the excention of case files that you've already testified to and your general business practice in that regard, do you have individual files on any of the defendants who are named in the Miller case?

A. I don't know. I would say that I've probably got a file on Jack Clark.

The reason I say this is as follows: Jack Clark contacted me at one point about possibility representing him. A lot of this may be covered by attorney-client work-product. But I know we uncovered some evidence about a breakin of either the Lindemann Mental Health Center or some kind of an infiltration of some hospital facility in which the Church of Scientology stole some files pertaining to Jack Clark.

And then I remember a separate incident where they brought something like a committee of evidence where they held like a, you know, like a kangaroo court about him and then they published it.

I remember the outrage when I read those documents. I remember a sense of outrage together with some other things they've done to him

possibility in my interests and his cases somehow working together.

Q. Do you recall whether he contacted you or you contacted him?

A. Somebody from his side contacted me. I don't remember that it was he.

Q. Over the years since the initial meeting, have you had continued contact with Michael Flynn?

A. Yes. Rather sparse.

Q. Does it have to do with lawsuits and that sort of thing?

A. Yes.

MR. LEVINE: Let me interject before you get into it. He may be represented by Michael Flynn in any lawsuits. If that's true, we'll have to be a little careful.

Q. Are you represented by Michael Flynn in any lawsuits?

A. No.

Q. Was the Lavina VanSchaik litigation the lawsuit that initially brought the two of you together?

A. I don't remember.

Q. Do you know Lavina VanSchaik?

Q. I'm restricting -- how often would you say that you are in contact with Joseph Flannigan? Would that be on a weekly basis, monthly basis, during the years 1980 and '81?

A. I would say a total of -- throughout Scientology litigation, I wouldn't even know where to date Joseph Flannigan from.

Throughout Scientology litigation, I'd say -- well, let's see, let's think in terms of how many times -- I'd say the times I've met with him, two to five.

Telephone conversation, five to ten. Even that, it may only be three or four times. Two to five in the meetings and five to ten on the phone conversations is a guess.

Q. And that's over the last two or three years?

A. It could be the last year. I have no idea when I first heard from him or met Joe Flannigan.

Q. How about Dr. Clark? What would you say is the frequency of the contact with Dr. Clark?

A. Speculation, guessing -- which you're not supposed to do -- but just to give you some reference point: meetings, five to 15.

Well, not meetings. He walks in my

office and says, I was in the area. I just wanted to say hello; the following is what's been going on.

Have I ever seen Jack Clark outside my office, I don't think so. Maybe once. Let's say five to 15. Telephone calls, 10, 20, 30 -- guessing.

Q. You may have answered this. When did you first communicate or become acquainted with Dr. Clark?

A. I have no idea. I don't remember how. I don't know.

Q. To the best of your recollection, has it been during the year 1981 or was it some years before that?

A. It's since Scientology began. Undoubtedly before 1981. Maybe in '80, maybe in '79. Most likely in '80, I don't know.

Q. Just for purposes of time reference, you've indicated since Scientology began. I take it you're referring to your involvement in Scientology litigation?

A. Roughly June, July '79.

Q. June or July '79 is when that involvement began, is that correct?

A. Yes.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. #79-2491-G

LA VENDA VAN SCHAICK, et al

VS.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al

STATEMENT OF: SILVANA GARRITANO, take before Jean A. Philbin, Shorthand Reporter-Notary Public, at the law offices of Silverglate & Gertner, Esqrs., 33 Broad Street, Boston, Massachusetts, on February 19, 1982, commencing at 3:00 p.m.

APPEARANCES:

NANCY GERTNER, ESQ., 33 Broad Street, Boston, Massachusetts,

JUDD CARHART, ESQ., 15 Court Square, Boston, Massachusetts.

Q What about in the Center on Destructive Cultism of the American Family Foundation?
A No.
Q Do you know a woman by the name of Margaret Singer?
A I know who she is. I don't know her personally.
Q Who is she?
A She is someone who is involved in combating cults.
Q Was she a plaintiff in the Flynn office?
A No.
Q Do you know what kind of contact Michael Flynn had with her?
A He got information from her. That's all I know. I know he had written to her and got information from her.
Q Do you know a woman by the name of Betty Orsini?
A Just the name.
Q Do you know a woman by the name of Deborah Ankeck?
A I know the name. Again, some of these things I just don't remember. It's been a while, and I am just not -- .
Q Do you have any idea who she is or what she does?
A I don't remember now.

U.S. DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER	:	
-vs-	:	# 81-4275-FW
KEVIN M. FLYNN, ET AL	:	

DEPOSITION of KEVIN M. FLYNN, taken on behalf of the Plaintiff, pursuant to the Federal Rules of Civil Procedure, before Allan Nortonen, a Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the law offices of Geller & Weinberg, 100 Boylston Street, Boston, Massachusetts, on Wednesday, April 14, 1982, commencing at 10:10 A.M.

Appearances:

Donald C. Randolph, Esq., representing the Plaintiff

Joel Levine, Esq., representing the Defendants

Q How about a person named Stanley Cath? Do you know who that is?

A Stanley Cath? I've heard that name, too. I've heard that name.

Q How about Doctor John Clark? Did you ever hear that name?

A Yes.

Q You've heard of the Boston Personal Development Institute?

A No. That's the organization to which Mr. Clark -- that's right, I'm sorry. I saw it on the complaint. I didn't notice what it was, though.

Q Did you have any contact with Doctor Clark with respect to the Miller case?

MR. LEVINE: You want to break that down timewise or want him to say anytime?

Q We'll break it down timewise: prior to the filing of the complaint did you have any communication or correspondence with Doctor Clark regarding Steve Miller?

A Prior to filing the complaint, yes.

(Discussion held off the record)

Q Would you please indicate the first time you had communication or correspondence with Doctor Clark regarding the Miller case?

A Well, I'll be reaching a bit. I would say probably in February, maybe, of 1981.

PENGAD CO., BAYONNE, N.J. 07002 - FF

family came to you very distressed because their son or daughter had entered the clergy in some otherwise long-recognized religion?

A. Yes.

Q. What religion was that, just for background?

A. Two or three times, in the Catholic, about Catholic orders.

Q. Were these families themselves Catholic or were they nonCatholics who had a family member that went into Catholicism?

A. Both. That was easily handled. I simply called up the hierarchy and said, what's going on. There's something here that I'm aware of that sounds a little bit culty.

The Catholic Church then talked to the family and also checked to find out what's going on. And they will also put pressure on these groups if they're playing games.

They wish to be pro-family. They don't want to tear families apart. They don't believe that there is the Catholic family and then there is everything else. It's an entirely different structure.

Q. When you said these groups, are you

Q. Did you contact him or did he contact you?
A. I think I contacted him.
Q. Did someone ask you to contact him?
A. I think Bernard Miller.
Q. What did Bernard Miller ask you to do?
A. I think he wanted to meet with John Clark.
Q. Had you talked with Bernard Miller about Doctor Clark prior to this conversation?
A. Yes.
Q. What did you tell Bernard Miller about Doctor Clark?
A. Well, I said that he was a psychiatrist from Harvard, I believe from Harvard or graduated from Harvard. And that he was probably as familiar with the Church of Scientology and its practices and effect on the mind as well as anyone we were aware of. That he might be able to counsel or whatever with the Millers or talk with the Millers.
Q. For what purpose?
A. I don't know. Just to talk to them about, you know, the grief that they were going through or feeling. Harriet Miller, as I recall, she was very -- was the one who was particularly upset.
Q. Didn't Mr. Miller want to know whether there was someone that could assist them in dealing with Steve Miller --

PENGAD CO., BAYONNE, N.J. 07002 - PHONE N. 858

A. No.
Q. -- other than yourself?
A. No. This was -- I think this was after the whole incident, after the discussions with Steve Miller.
Q. And they asked you to refer them to a psychiatrist for their own use?
A. No. I told you I told Bernard Miller about Jack Clark.
Q. When did you first mention the name of Jack Clark to Bernard Miller?
A. Probably in the first meeting we ever had.
Q. What did you say about him?
A. I just said what I told you before. He was as much an expert as I knew in the field of psychiatry concerning cults and their effect on the mind and the families who suffer through them, I guess, through the problems of children or spouses and cults.
Q. Had you worked with Doctor Clark in the past?
A. Well, he'd been to our office a number of times. I had spoken to him three or four times.
Q. Did you suggest that Doctor Clark may be able to advise them on how to get Steve out of the Church of Scientology?
A. No.
Q. Did Bernard Miller indicate to you he would like the assistance of Doctor Clark for that purpose?

PEGGAR CO., BAYONNE, N.J. 07002 - FOR

A. No.

Q. At some point in time you contacted Doctor Clark?

A. Yes.

Q. Did you call him or did he call you?

A. I believe I called him.

Q. What did you say to him?

A. I just said -- if I recall the conversation correctly, I said that Bernard Miller, who I -- he may have even known him prior to me giving the name. I think Bernard Miller knew of Jack Clark's name. His son was involved in the Church of Scientology and had -- is still involved in the Church of Scientology, and that he had spoken with Joe Flanagan and Pat Osler and his decision, Steve Miller's decision, was to return to the church. And Harriet Miller I think in particular was extremely upset and they didn't know where to turn, didn't know what to do. That Bernard Miller and his wife wanted to talk to Jack Clark for themselves.

Q. Is that the first time you talked with Doctor Clark regarding the Millers, in that conversation?

A. I think so.

Q. What did Doctor Clark say to you?

A. He just said, "Well, maybe at some time I can give Bernard Miller a call." or "We can get in touch or meet or

PENGAD CO., BAYONNE, N.J. 07002 - PAT. 849

FLYNN/WALTERS/CLARK COLLUSION

FLYNN/WALTERS

12/79	Kevin or Michael Flynn calls Tonja Burden and asks that she come to Boston to discuss her situation with them, telling her that her name was given to them by Eddie Walters
21/12/79	Denise Cote, AUSA in New York, contacts Flynn regarding having Tonja Burden testify before a grand jury looking into "Operation Freakout"
21/12/79 (Approx)	Paulette Cooper visits Walters after he calls her, or she calls him, to locate potential witnesses for her suit
21/12/79	Ernie Hartwell refuses a settlement offer and tells the AGLV that he has an attorney, giving him a piece of paper with Michael Flynn's name on it
26/12/79	Kevin Flynn and Tom Hoffman meet with Walters, the Hartwells, Clair Bryner, Jack Chancellor, Bill Broderick, Don Cooper, the Herrons, Tom Jefferson and Debbie Keck to solicit clients for the class action suit
27/12/79-1/80	Walters urges those who attended the meeting of 26/12 to quickly complete their affidavits for Flynn
9/1/80	Kevin Flynn writes Walters to thank him for his hospitality while Flynn was in Las Vegas
16/1/80	Michael Flynn is collecting affidavits from Walters, Ann Rosenblum, et al
18/1/80	Michael Flynn writes Raymond Banoun to retrieve Walter's files and tape earlier supplied to FBI Special Agent Varley
20/1/80 (Approx)	Flynn's office refers Dennis Quilligan of the Florida State Attorney General's Office to Walters
24/1/80	Walters calls a meeting of the LV disaffecteds to meet with Quilligan and two others from the Fla. State AG's Office
24/1/80	Flynn sends affidavits to Jefferson and the Herrons to be signed
29/1/80	Fred Salas, a former Scientologist and friend of Walters who has previously gone to the BBB with Walters, tells John Burger of a plot by 150-170 people to get at least 200 people to file suit against the Church and LRH for a minimum of $200 million, to put the Church into receivorship by federal court order, and to put LRH in a position of responsibility for the actions of staff so that he can be directly sued

2/80 (Approx)	Bill Broderick is introduced to Michael Flynn by Kevin Flynn with little response until he is identified as a friend of Eddie Walters
2/80	C of S Nevada files suit against Van Schaick, Walters, Kevin Flynn and Hoffman for conspiracy
14/2/80	Michael Flynn is representing the defendants in the C of S Nevada suit
3/80 (Approx)	Walters claims to be constantly in touch with Flynn and knows about the filing of Burden's suit before it is filed, and is also knowledgeable about ongoing actions in Riverside
3/80 (Approx)	Flynn's office refers NBC-TV's Prime Time to Walters for a show about Apple School and Scientology
18/4/80	Walters calls a meeting to instigate fundraising for the Class Action Fund after Clair Bryner receives a call on this from Flynn and most of the LV disaffecteds have received letters requesting funds from Van Schaick
24/4/80	The Class Action Fund account was opened with Kevin Flynn as sole signatory
30/6/80	Burden claims Flynn told her to stay away from Walters as Walters continued to audit people and Flynn did not trust him
Summer 1980	Michael Flynn put Ann Rosenblum in touch with Walters when she wanted to reach Tonja Burden
Summer 1980	Debbie Keck first met with Michael Flynn in a meeting between Walters and Flynn at the Sands Hotel
7/80 (Approx)	Walters claims to be working with Michael Flynn and the FBI on plans to raid the Flag Land Base
16/7/80	Tom Findley of ABC-TV San Francisco contacts Flynn to get data on Walters, Wollersheim and Rosenkjar. This same report states that all three are also connected to ex-Scientologist and deprogrammer Joey Flanagan, who is deprogramming for Kevin Flynn
8/80	Walters puts Carol Garrity and Janie Peterson in touch with Flynn
6/8/80	Walters is reported to be in close communication with Tom Hoffman of Flynn's office
18/8/80	Walters introduces Michael Flynn and Sherman Fredericks of the Las Vegas Review-Journal
8/80 (Approx)	Martin Cohen, IRS lead counsel in their suit against the Church, is given Walter's name as a potential witness by Flynn's office

16/9/80	Walters is reported to have been in touch with Flynn recently after returning from Tampa where he was ready to testify, if needed, before the Tampa Grand Jury
11/80	Joey Flanagan is referred to the Brothers family by Kevin Flynn and a-tempts a deprogramming on Byron Brothers, which fails, so he then refers the Brothers family to Walters
5/11/80	Michael Flynn is reported to be still upset with Walters for his continuing to audit
12/80 (Approx)	Kevin Flynn refers Bernard Miller to Walters, stating that Steve Miller should visit Walters following his planned deprogramming
1/81 (Approx)	Walters testifies for the IRS in their suit against the Church regarding the 1970-72 tax exemptions
29/1/81	Flynn's "Class Action Case Development Program" states "Most of the individuals testifying in that case (the IRS 1970-72 case) are our clients".
1/81 (Approx)	Flynn's agendas for the March and May 1981 conferences planned for soliciting co-counsel in the Scientology suits list press created by Walters in the Las Vegas Review-Journal as having been created by or for them
10/2/81 (Approx)	Steve Miller is sent to Walters following a failed deprogramming attempt by Joey Flanagan which had been orchestrated by Kevin Flynn
26/2/81	Walters is pushing hard for people to sign up with Flynn, claiming that the Church is about to go under and wants to settle with Flynn, and that settlement talks are ongoing
4/7/81 (Approx)	Walters met with Attorney Greg Hull, Flynn's associate attorney from San Francisco, when Hull interviewed Debbie Keck to decide if he would take her suit on. Walters then became Hull's Scientology "consultant" for the suit.
7/9/81	Walters called Pam Kemp, a Scientology Mission Holder, and gave her his viewpoint on the status of the various damages suits which she then began to spread around, using Flynn's name
12/81	Walters is contacted by Scientologist Artie Maren and sees Maren even though Flynn has advised him not to
11/2/82	Walters referred Bob Boyers to Flynn
3/3/82	Brown McKee, a disaffected former Mission Holder, is referred to Walters by Flynn
11/3/82	Ann Basile and Rosie Pace, disaffected Scientologists referred to Walters by Brown McKee, are referred to Flynn

3/82 (Approx)	Lori Taverna, a disaffected Scientologist, called Reader's Digest, was somehow put in touch with Brown McKee, and was then somehow referred to Walters. (She then ends up on Flynn's lines and testifies at the Clearwater City Commission Public Hearings.)
19/3/82	Peter Greene, another disaffected Mission Holder, starts spreading the line that another 32 suits at $150,000 to $200,000 each are soon to be filed and states that he got this data from Walters
12/4/82	Scott Foster, a disaffected Scientologist, is referred to Flynn by either Brown McKee or Walters
5/5/82	Walters was the first witness called at the Clearwater City Commission Public Hearings moderated by Flynn
10/5/82	Scientologist John Bostrum speaks to Flynn and Walters and then returns to tell the Flag GO that what they are doing is really the right answer to preserving the technology
22/5/82	Walters and Flynn are the two main speakers at a Scientology Victims Defense Fund rally in Clearwater
29/5/82	Flynn is reported to be planning an "Open Forum" in Los Angeles which will include Walters as a speaker

The foregoing is a time track of those actions in which Michael Flynn, or his associates, and Eddie Walters are known to have collaborated or worked together.

A few of the more salient points brought out by this are:

1) All parties concerned have testified in deposition that Tonja Burden was referred to Flynn by Walters, and Flynn has stipulated in one of Burden's depositions that he first contacted her in "about December 1979". However, all parties have also stated that the meeting of 26 December 1979 was the first contact made between Flynn and the group of former Scientologists in Las Vegas. This time track shows that latter statement to be false and opens up the question of just exactly how long Walters was working with Flynn prior to that meeting and what role did he play in setting it up.

2) Walters completed an affidavit for Flynn himself, along with ensuring that everyone else in Las Vegas did so also. He was also responsible for at least the Hartwell, Peterson, Jefferson, Garrity, Burden and Keck suits being filed against the Church -- yet he did not file a suit of his own. This brings up the question as to why he has not filed a suit against the Church even though he has urged so many others to do so, and what financial arrangements or agreements he may have made or received from Flynn or Hull for his work in forwarding all of these clients and assisting on the Keck case as a consultant.

3) Fred Salas, a confidante of Walters, made comments in January 1980 which closely paralleled the "Class Action Development Program" put into

writing by Flynn in January 1981. The parallel in statements is too close for sheer coincidence and raises the questions of how long these plans had been in existence and what part, if any, Walters had played in formulating them. This also throws doubt on the claims that Walters did not connect up with Flynn prior to late December 1979 as it is not credible to believe that Walters would be in possession of such data after just one month of familiarity with Flynn.

4) In addition to the straightforward soliciting of clients for Flynn, as is obvious and has been covered in the instigation and organization section on Walters, this time track makes more clear his role in soliciting through deprogramming along with Kevin Flynn and Joey Flanagan.

5) Beginning in December 1981, with a conference of Mission Holders at the Flag Land Base, the Scientology field has been disrupted by attempted rebellions against management and attempted, but unsuccessful, schisms or "reform" churches. Walters contacts with Pam Kemp in September 1981, prior to that first conference, and with Peter Greene and Brown McKee in 1982, lead to the question of his involvement, if any, in these upsets. It is already known that Dr. John Clark had inside information on these upsets, and that he felt they had occurred too soon, so the addition of Walters to this picture raises some definite questions. The recent actions in the field, dealing with the revitalization of defunct Dianetic associations by persons connected to the Mission Holders upsets, which have reportedly been associated with Flynn, further add to the need to determine in more detail any role Walters has or had.

While the above raises a few questions it also, in conjunction with the section regarding Walter's individual organization and instigation of damages attacks on the Church, answers the questions as to Walters involvement, and involvement with Flynn, with a definite affirmative.

CONTINUED DEPOSITION OF TONJA CATHERINE BURDEN

DATE: SATURDAY, NOVEMBER 21, 1981

TIME: 10:05 O'CLOCK A.M.

LOCATION: MGM GRAND HOTEL
3645 LAS VEGAS BOULEVARD SOUTH
SUITE 1076-A
LAS VEGAS, NEVADA 89109

REPORTED BY: E. ANN QUINN, C.S.R. NO. 115
COURT REPORTER - NOTARY PUBLIC

A NO. SHE QUOTED THE NEWSPAPERS. IT WAS CORRECT TO MY KNOWLEDGE. THEY WERE CORRECT.

Q HAVE YOU EVER RECEIVED ANY WRITTEN COMMUNICATIONS FROM KEVIN FLYNN SINCE THE TIME YOU LEFT THE CHURCH OF SCIENTCLOGY?

MR. FLYNN: ANSWER YES OR NO.

THE WITNESS: YEAH.

Q (BY MR. GELLER) AND HOW MANY, IF YOU RECALL?

A HOW MANY WHAT -- PHONE CALLS? LETTERS?

Q LETTERS?

A LETTERS?

I DON'T THINK KEVIN WROTE ME ANY LETTERS. THAT'S THE COVER SHEET, YOU KNOW, HE MIGHT --

MR. FLYNN: THAT'S FROM ME. THAT'S A COMMUNICATION FROM ME.

THE WITNESS: I DON'T THINK KEVIN HAS WRITTEN LIKE THAT.

Q (BY MR. GELLER) DID KEVIN EVER TELEPHONE YOU?

A YEAH, HE CALLED ME.

Q HOW MANY TIMES?

A I DON'T KNOW. MORE THAN ONCE.

Q WHEN WAS THE FIRST PHONE CALL YOU RECEIVED FROM KEVIN FLYNN?

A THE DAY BEFORE I FLEW TO BOSTON.

Q WHAT DID HE TELL YOU TO DO IN THAT -- WHAT WAS THE CONTENT OF THIS CONVERSATION?

MR. FLYNN: DON'T ANSWER THAT QUESTION.

FOR THE RECORD, KEVIN FLYNN AT THAT TIME WAS WORKING FOR ME, AN EMPLOYEE, AS AN INVESTIGATOR AND PARALEGAL IN MY OFFICE.

Q (BY MR. GELLER) THIS IS BEFORE THE FIRST TIME YOU FLEW TO BOSTON? IS THAT RIGHT?

A UH-HUH, THE NIGHT BEFORE.

Q THE NIGHT YOU FLEW TO BOSTON --

MR. FLYNN: GO AHEAD AND ANSWER THAT ONE, IF YOU REMEMBER.

MR. GELLER: THANK YOU, MR. FLYNN.

THE WITNESS: HE ASKED ME IF I KNEW EDDIE WALTERS.

Q (BY MR. GELLER) WHAT DID YOU RESPOND?

A YEAH -- I DIDN'T REALLY KNOW HIM. I KNEW OF HIM. I HAD MET HIM.

Q IS THAT WHAT YOU TOLD MR. FLYNN?

A KEVIN FLYNN, YEAH.

Q THEN WHAT DID HE SAY TO YOU?

A SOMETHING ABOUT COULD I FLY OUT -- WAS I WILLING TO DISCUSS MY EXPERIENCE OR SOMETHING -- THIS IS NOT HIS EXACT WORDS. HE COULD HAVE SAID A FEW THINGS --

I FORGET, BUT THINGS IF I WAS WILLING TO DISCUSS MY EXPERIENCE IN SCIENTOLOGY WITH AN ATTORNEY.

AND HE EXPLAINED THAT HE WAS, YOU KNOW, ABOUT MICHAEL FLYNN AS AN ATTORNEY, AND DA-DAH, DA-DAH, DA-DAH.

Q WHAT DID HE TELL YOU ABOUT MICHAEL FLYNN?

A THAT HE KNEW ABOUT SCIENTOLOGY AND THAT HE HAD COMMUNICATED WITH EDDIE WALTERS, AND EDDIE WALTERS, I GUESS, HAD GIVEN HIM MY NAME OR SOMETHING. I DON'T KNOW.

IF I WAS WILLING TO TALK ABOUT IT. I SAID YES.

HE GOES, "CAN YOU FLY UP HERE TOMORROW MORNING, 8:00," I THINK IT WAS. I SAYS, YES.

Q DID HE PAY FOR YOUR PLANE TICKET?

A YEAH.

Q DID HE TELL YOU ANYTHING MORE ABOUT MICHAEL FLYNN?

A JUST THAT HE WAS AN ATTORNEY THAT WAS INTERESTED IN HELPING ME.

Q DID HE TELL YOU ABOUT A CLASS ACTION SUIT THAT MR. FLYNN HAD FILED AGAINST THE CHURCH OF SCIENTOLOGY?

A NO, I DON'T THINK SO -- ON THE TELEPHONE THERE?

NO. I JUST THINK -- I DON'T REMEMBER

ORIGINAL

STATEMENT OF

DON COOPER

* * * * *

Thursday, July 24, 1980

3:15 o'clock p.m.

Law Offices of Rogers, Monsey, Woodbury & Berggreen
723 South Third Street
Las Vegas, Nevada 89101

Reported By: Marijane W. Simon, C.S.R. No. 54
Court Reporter - Notary Public

He said: "We've got a lot of help." He said: "We have some Government agencies helping us."

He said: "We have documentation seized in the FBI" --

He said: "We have access to any of the documents seized in the FBI raid that we want.

"As I said, we have Government agencies" -- and he hesitated, what he was going to tell us.

And he said: "Well, I'd better leave it just like that and not really say anything more than that." And he gave this very knowing smile.

"But," he says, "we have a lot of help."

MR. FROST: Did he say he got anything specifically from any agencies, or any documents, as opposed to like getting them out of a courtroom or anything?

THE WITNESS: Oh. He said: "The FBI was giving us some documents."

MR. FROST: Okay.

THE WITNESS: "Had given us some documents." They'd received --

MR. FROST: Got you.

Q (By Mr. Burris) Did he have any documents,

Burden v CSC
Aff dated of Don Cooper
Jan. 9, 1981

Burden

AFFIDAVIT

I, DON COOPER, under oath depose and say:

1. That on or about the evening of January 21, 1980, I attended a meeting between Tanja Burden and Allen Allweiss, Dennis Quilligan, Lee Fugate from the Office of the State Attorney in Pinellas County, Florida, and some other individuals at the home of Edd Walters in Las Vegas, Nevada.

2. When the three men from the State Attorney's Office first arrived they identified themselves showing us their identification and stated they were from the county in which the city of Clearwater is located.

3. The entire conversation held at this meeting was tape-recorded, by one of the men with the exeption of some portions of the conversation which occured during the time when the tapes were being replaced.

4. Allweiss stated that it was their purpose to locate persons in Las Vegas, Nevada, who would be willing to testify about criminal activities of the Church of Scientology against its own members.

5. He stated their purpose as that we want to kill this organisation. We want it to die. We'll reach in and snuff it out. He made similar statements to this effect several times during the meeting.

6. Allweiss stated that it was his office's intention to keep the media well informed of their actions against the Church, with the goal of encouraging other prosecutors around the country to bring similar charges against the Church in order to totally destroy the Church.

7. Allen Allweiss also stated they had come to Las Vegas because they had seen newspaper stories about Michael Flynn's suit against the Church in Boston and they got in touch with Flynn and told him of their desire to do something about Scientologists in Clearwater. Allweiss then stated that they got our names from Flynn.

8. Mr. Allweiss stated that by invoking a 1977 Florida racketteering statute like the one enacted federally in the early 70's, they wanted to proof that Scientology was carrying on illegal activities under this statute.

9. Mr. Allweiss stated that they were informing the newspapers about their investigation. He stated that such publicity would encourage others to launch attacks against the Church.

10. Eddie Walters told Mr. Allweiss that Mr. Flynn asked him to write affidavits for use in getting a warrant for a raid on the Church in Clearwater. He showed it to Mr. Allweiss.

11. Mr. Allweiss expressed an interest to talk to Tanja Burden because she had knowledge about the Church in Clearwater which could be useful to them. In the evening of that day Allweiss questioned Tanja Burden.

12. I have read the Burden complaint and the following things come to my mind in regards to the questions asked by Allweiss that deal with the subject matters of the complaint. Mr. Allweiss asked Burden to briefly state her history in Scientology. When she was talking about being in the Cadet Org Mr. Allweiss asked her whether or not she was prevented from seeing her parents. Her aswer was to the effect that there was no problem on seeing her parents.

13. Mr. Allweiss also questioned her about how she left the Church of Scientology in Clearwater and she explained that she "snuck" out because she did not want to go through the "hassles" of the regular procedure of leaving staff. She did not indicate that she was physically restrained from leaving the Church.

14. She also stated that after she had left the Church two people from the Church came to see her and asked her to see L. Ron Hubbard and that, after some debate, decided to do that and willingly went with them to Los Angeles. In her complaint she gives a far different version of this event.

15. The most surprising thing about this interview and interviews of others by men of the State Attorney's Office was the manner of the questioning. The questions were extremely leading frequently suggesting the conclusion sought. For example, Mr. Allweiss questioned oned person in the following manner: "Tell me about how they brainwashed you in auditing, how the auditor must have banged on the table and did not let you leave." Or, similarly, "Boy, he must have really brainwashed you, tell me how you couldn't leave, how you were held against

your will. You didn't want to stay, did you? Then they must have held you against your will. That's kidnapping, did you know that? Would you be willing to testify they kidnapped you?"

16. Under penalty of perjury I declare that the foregoing is true and correct.

Don Cooper
DON COOPER

Subscribed and sworn before me this 9th day of January of the year 1981.

NOTARY PUBLIC

Notary Public, State of Florida at Large
My Commission Expires Nov. 7, 1981
Bonded By American Fire & Casualty Company

ORIGINAL

STATEMENT OF

DON COOPER

* * * * *

Thursday, July 24, 1980

3:15 o'clock p.m.

Law Offices of Rogers, Monsey, Woodbury & Berggreen
723 South Third Street
Las Vegas, Nevada 89101

Reported By: Marijane W. Simon, C.S.R. No. 54
Court Reporter - Notary Public

And he made a statement to the effect of: "It looks like you're all going to be very rich."

And he said: "By participating in something like this, it in no way can possibly hurt your participation in the class action suit. And it could only help."

Without stating that: "You are going to be richer by doing this."

MR. BURRIS: Okay.

MR. FROST: Did he say he'd been talking to Michael Flynn, the guy who had been bringing that suit, or vice versa?

THE WITNESS: Say that again now.

MR. FROST: Did Allweiss say he had talked to Michael Flynn or vice versa?

THE WITNESS: Oh. He said they were in constant communication with Flynn's office. They were working with the Flynns, was his statement.

MR. FROST: I see.

THE WITNESS: And after the first contact, they continued that contact, the contact with him.

Q (By Mr. Burris) After the second meeting that evening, did you hear anything of or from these people again?

A I never heard anything from him. I just

A Stephanie Powers. Stephanie whatever. Stephanie.

Q Do you know how she got Eddie?

A Yes, I know, but I can't remember.

Q Was it through Flynn, by any chance?

A Yes, it was.

Q What?

A Yes, it was.

They had talked to the Flynns. The Flynns had told them about some people in Las Vegas that -- namely, Eddie Walters.

That Eddie Walters probably had some contribution, some things he could contribute to the show "that you would find very valuable."

Q And this information was told to you by Eddie Walters?

A Yes.

Q Okay.

A So I get a call about, between seven and seven-thirty in the evening of this filming performance. And it was Jack and John.

And I said yes.

He said: "These guys from the television thing are going to be over here."

That's what it was.

18 JAN 80

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RAYMOND BANOW
ASST. U.S. ATTORNEY
U.S. COURT
3RD & CONSTITUTION N.W.
WASHINGTON, D.C.

DEAR RAY:

AS YOU KNOW WE ARE CURRENTLY HAVE A CLASS ACTION AGAINST THE CHURCH OF SCIENTOLOGY. THIS ACTION HAS ATTRACTED NON EX SCIENTOLOGISTS ACROSS THE COUNTRY TO COME FORWARD WITH THEIR COMPLAINTS AGAINST THE CHURCH ONE OF THESE PEOPLE WHO HAS CONTACTED US IS [redacted] A FORMER WAITRESS WHO PRESENTLY LIVES IN LAS VEGAS. A FEW WEEKS AGO I FLEW OUT TO LAS VEGAS TO MEET [redacted] AND OTHER EX SCIENTOLOGISTS. [redacted] TOLD ME THAT DURING THE FEDERAL INVESTIGATION AGAINST THE CHURCH THE FBI HAD TAKEN HIS FILES. THE FBI AGENT HE SPOKE WITH WAS A FELLOW BY THE NAME OF JOHN HARLEY. HE KNEW WHAT WE WOULD LIKE TO DO AND IS GET

18 JAN 80

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HIS FILES RETURNED TO HIM. EDDIE WILL BE WORKING WITH US AS PART OF OUR DISCUSSIONS WITH EDDIE INVOLVING WHETHER HE WILL TAKE ANY POSITIVE REGARD TO ACTION TO BE TAKEN ON HIS PART AGAINST THE CHURCH. AS REGARD TO THOSE LETTERS WITH THE USE OF THOSE FILES AND WE SHALL ASK EDDY OUR ATTORNEYS CAN RESOLVE THIS ISSUE.

IF YOU NEED HIS PERMISSION YOU CAN CONTACT HIM AT THIS ADDRESS:

SINCERELY

CC JOHN VARLEY

(S) EDDIE WALTERS
402 NORTH 9TH ST
LAS VEGAS, NEVADA

(702) 382 2011

18 JAN '80

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(A) AT THIS TIME UNCLE TOLD READ THAT HIS FILES HAD BEEN SENT TO WASH. D.C.

29 Jan 88

IEC 6

Ron.

More data from Fred Seiler + other Terminal

I have established contact with (for Hobart) a

a biologist that had been working w/some

S. entologists here in Texas.

Old data from Fred is as follows: A group of

~ 150-170 people are presently trying to gather a

group totalling 200 or more people - objective -

use Scientology + yourself for a minimum

of 200 million dollars + get a Federal

order to put Scientology into Federal

receivership. Additional objective - to put

your in a position of responsibility for all

org staff who have not had the

and then we finally. (Fred

contacted that + told me this A.M.)

Additional data - notes in the Butler Bureau

Bureau - biologist that Butler met in

(no data currently at

for action.)

Date Rec. for Hobart -

FBI investigating Richard Stewart (on NEO for OT's in L.A.) (formerly from El Paso). Also requests for state + employment from Better Business Bureau.

Re - law suit

From info available some of actions pending in ext court - possibly Border Commerce + some of Pawlitz cases mentioned some times.

---

contacted A.G. Austin Okay Re: showing made to Knighton et al Pos case. Info from A.G. perceptions of Amnesty + ext here of mission collapsing - no reply from A.G. Austin. (Have allowed 2½ wks for reply from receipt my letter in Austin) Shall make that note.

Fred Sabo still being tapped by Org. He
remains unthought expelled but Army
was tapped by ASHO. (Fred Org I was
behind by!)

No reply as yet was received from AOLA re. insurance report concerning Fred Sabo + OT 1-7 based proximity. I will check if report was received or not.

Re: Based OT 1-7 security. possible
list keeps comes because may discretion
of security based due Continental
restriction is denied in El Paso in Fred's
possession as base. (checking further on
this).

No further reportable material
since last one.

J. P. Burgess

re: CLARK, JOHN

August 28, 1980

Information Report
re: Flynn/Clark

Dear,

The following are excerpts from 1) the original LaVenda Class Action Complaint and 2) an article from the Journal of the American Medical Association dated July 20, 1979 entitled Cults by Dr. John G. Clark:

Flynn Complaint:

> "through highly programmed behavioral control techniques, the normal judgmental reactions of the subject are removed, his attention and direction are narrowed and focused on matters established by the auditor and the subject's state of mind is gradually altered until it becomes an independent structure..." (pg.1;1)

Clark Article:

> "Through highly programmed behavioral control techniques and in a controlled enviroment, the subject's attention is narrowed and focused to the point of becoming a trance...this state is maintained during several sleep periods until it becomes an independent structure." (pg.4;1)

Flynn Complaint:

> "During the period of "disassociation",new information relative to Scientology is absorbed at an accelerated rate and it rapidly becomes intgral to the available mechanisms of the mind." (pg.1;2)

Clark Article:

> "...throughout this period of focused attention, new information is absorbed at an accelerated rate and rapidly becomes integral to the available mechanisms of the mind." (pg.4;3)

Flynn Complaint:

> "As a result, the subject becomes dependent on this new enviroment for definitions of reality." (pg.1;3)

Clark Article:

> "As a result, the convert becomes dependent on this new enviroment for definitions of reality." (pg.4;4)

Flynn Complaint:

> "The loss of privacy and sleep in a bizzare new atmosphere, change of language, and continuous supervision and an onslaught of information that sustains the continued state of disassociation." (pg.2;1)

Clark Article:

"The loss of privacy and sleep in a bizzare new atmosphere, change in language, and continuous control of excitement level amount to an onslaught of information that sustains the continued state of disassociation (pg.4;2)

Flynn Complaint:

"From this level, the Scientologists-auditors control not only the forms of action of a subject but also the content of thought through auditing training and conditioning." (pg.2;2)

Clark Article:

"From this stage the group controls not only the forms of action but also the content of thought through confessions,training,and conditioning." (pg.4;5)

It is quite obvious where the material for this section of Flynn's orignal Class Action Complaint came from.

There are several possible uses of this data: 1) PR actions as needed to show Flynn-ARM link 2) if case ever goes to trial eliminating Clark as an ~~A~~bias witness completely. 3) using this data to show Flynn is attacking religion and not just Scientology as Clark's quotes are in regards to experiences of persons in a wide variety of relgions - Clark has publicly stated he believes Catholics are brainwashed, etc. Clark's exact quote in this area is not on hand at this time but Clark is not exclusive in his attacks on relgion.

Thought this would be of interest. This is OK.

AFFIDAVIT OF STEVE MILLER

CITY OF LOS ANGELES)
)
) ss
COUNTY OF LOS ANGELES)

I, Steve Miller, of Los Angeles, California, being duly sworn, do hereby depose and say:

1. I am the natural son of Harriet and Bernard Miller. My parents are residents of Harrison, New York.

2. On or about January 27th, 1981, while visiting my parents in New York, they invited me to the home of a friend of the family. At that house I was confronted by three self-styled "deprogrammers." These men told me their names were Pat Osler, Joey Flanagan and "Lev." I did not get the last name of the third man, but he claimed to be a Private Investigator.

3. These three men held me against my will and physically prevented me from leaving that house. I was kept there for three days. During that time, they told me various things about Scientology in an attempt to change my religious beliefs.

4. During my conversations with these men, they stated they had been hired by my parents to "deprogram" me from the Church of Scientology. My father later verified to me that he had paid the men $1,000 each for their "services." My father had also paid for the three men to fly to Bermuda and back prior to restraining me in New York.

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5. Joey Flanagan and my father stated to me that the "deprogrammers" had been contacted through an attorney in Boston named Michael Flynn.

6. In a recent telephone conversation with my father, he told me that he had paid Flynn a sum of money to coordinate the "deprogramming" attempt. My father claims to have information taken from my personal counseling files at the Church of Scientology in California. When I asked my father how Flynn was supposed to have obtained information from confidential Pastoral Counseling files, he stated that Flynn has told him, "Both sides have spies."

7. About two weeks ago, my parents sent to me some photographs of the exterior of my apartment building. They stated to me on the telephone that these photos had been obtained by Michael Flynn.

8. I personally feel Flynn has lied to my parents in an attempt to entice large sums of money from them in this "deprogramming" scheme. I would like to know just how much money Flynn has recieved (or has gone to his firm or members of his family) from my parents.

I swear the above statements are true to the best of my knowledge.

Steve Miller
STEVE MILLER

Subscribed and sworn to before me this 27th day of March, 1981.

Bev Mustard
NOTARY PUBLIC

OFFICIAL SEAL
BEV MUSTARD
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires JAN 27, 1984

RANDOLPH & LEVANAS
Attorneys at Law
11620 Wilshire Boulevard
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Los Angeles, California 90025
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Attorneys for Plaintiff

FILED
AUG 20 1981
CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER, Plaintiff, v. KEVIN M. FLYNN, FLYNN ASSOCIATES MANAGEMENT CORPORATION, MICHAEL FLYNN, JOSEPH FLANNIGAN, LEV FEDYNIAC, PAT OSLER, JOHN G. CLARK, JR., M.D. BOSTON PERSONNEL DEVELOPMENT INSTITUTE, EDWARD WALTERS, JACK CHANCELLOR, PAULETTE COOPER, and BRUCE HOENIG Defendants.	Civil Case No. 81 4275 - FW COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FOR: (1) Conspiracy to deprive civil rights; (2) False imprisonment; (3) Assault; (4) Battery; (5) Intentional infliction of emotional distress; (6) Invasion of privacy. JURY TRIAL DEMANDED

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Plaintiff alleges as follows:

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

JURISDICTION

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1332, 1343(1), 1343(4), and 42 U.S.C. Section 1985(c), as hereinafter more fully appears.

COUNT I

(Conspiracy in Violation of 42 U.S.C. Section 1985(c))

A. The Conspiracy

17. Beginning at a time unknown to Plaintiff, and continuing through the present, the Defendants and conspirators formed a conspiracy with respect to which each and every Defendant was or became a co-conspirator. The purpose of the conspiracy was to deprive Plaintiff of the equal protection of the law and of the privileges and immunities granted to him under the laws in the Constitution of the United States. The conspiracy was the result of Defendants' class based animus towards the Church and its members, and because Plaintiff was a member of that class of persons who belonged to the Church. Defendants' purpose was willfully, wrongfully, and maliciously (a) to coerce the Plaintiff through the use of force, threats of force, verbal abuse and deprivation of liberty into renouncing his religious affiliation with the Church, (b) to prevent Plaintiff from freely associating with other members of the Church, (c) to prevent and intimidate Plaintiff from travelling among and between the several states, (d) to prevent Plaintiff from freely discussing and exchanging his religious beliefs and ideas, and (e) to prevent Plaintiff from freely exercising religious beliefs.

B. Acts in Furtherance of the Conspiracy

18. On a date unknown to Plaintiff, Bernard and Harriet Miller, Plaintiff's parents (hereinafter "Parents"), hired Defendants Kevin Flynn and Flynn Associates, by and through its agent, Kevin Flynn, for the specific purpose of coercing Plaintiff to renounce his affiliation to the Church. Having agreed to be

retained for said purpose, and being so retained, Defendants Kevin Flynn and Flynn Associates, by and through its agent, Kevin Flynn, thereafter did devise a scheme by which Plaintiff would be transported under the ruse of a vacation, imprisoned for a period of time, and be forced to undergo mental and emotional distress. Said Defendants personally hired agents to assist in carrying out the scheme, including Defendants Flannigan, Fedyniac, and Osler.

19. During the month of January, 1981, while engaged in a telephone conversation between Plaintiff and his parents, Plaintiff was informed that he was invited to join his parents for a vacation on the island of Aruba.

20. On or about January 23, 1981, Plaintiff travelled from his residence in California to join his parents for the purpose of said vacation.

21. On or about January 25, 1981, Plaintiff and his parents flew to Bermuda, ostensibly for a brief stopover due to complications in their earlier travel plans. Defendants Flannigan, Osler and Fedyniac were waiting for Plaintiff at the hotel in Bermuda to which Plaintiff was taken by his parents. It was the intent of the named Defendants to imprison Plaintiff in said hotel on the island of Bermuda for the insidious purpose of coercing him into renouncing his religious affiliation with the Church.

22. After Plaintiff had arrived at the hotel in Bermuda, his parents and Defendants decided that the location was not suitable for the objectives of their conspiracy, and an alternative plan was formulated to imprison Plaintiff in the apartment of a friend located in the United States.

23. After approximately 20 hours in Bermuda, Bernard Miller informed Plaintiff that their travel arrangements had been poorly planned and that, due to complications, they should return to New York. On or about January 26, 1981, Plaintiff and his parents returned to New York.

24. On or about January 27, 1981, Plaintiff's parents invited Plaintiff to see a Broadway play, and en route stopped at the apartment of Francis Haigt, a family friend, ostensibly for a short visit. Said apartment is located on approximately the 15th floor of a high rise apartment building in the State of New York.

25. Upon arrival at the apartment, Plaintiff was escorted into the bedroom by his parents and Francis Haigt. As Plaintiff entered the bedroom, Defendant Flannigan stepped out from the area of the bedroom closet and stated his name. Plaintiff turned to discover that Defendants Osler and Fedyniac were also now present in the bedroom. Francis Haigt and Harriet Miller left the bedroom.

26. At this time, Bernard Miller explained that he had invited the above-named Defendants to talk with Plaintiff for a few days about his relationship with the Church.

27. At this moment, Plaintiff turned to leave the room with the intent of leaving the building and returning to his residence in California. At the bedroom door, Plaintiff was physically restrained by Defendant Osler, and not permitted to leave the room.

28. Defendant Flannigan informed Plaintiff that he would remain at this location for a period of approximately three days for the purpose of reading and discussing materials that

Defendants had brought to the location.

29. Plaintiff remained at said location pursuant to Defendants' instructions until approximately 2:00 p.m. on January 30, 1981. Despite numerous requests during the course of his imprisonment, Plaintiff was not allowed to leave the bedroom and the adjoining bathroom. During the course of the three days, Plaintiff was forced to engage in conversation, was subjected to readings from materials selected by Defendants, and was forced to personally read other materials, as dictated by Defendants Flannigan, Osler, and Fedyniac.

30. During said three days, Plaintiff was constantly in sight of one or more Defendants, the door to the adjoining bathroom having been removed from its hinges prior to Plaintiff's entrance into said bedroom, thus allowing to persons in the bedroom area a clear and unobstructed view of all portions of the bathroom. Additionally, one of the two beds in the room was jammed against the bedroom door each night, and one Defendant would sleep on that bed. Plaintiff was also informed that an additional Defendant was located on the opposite side of the bedroom door at all times during the night. At no time was Plaintiff allowed to remain alone in the room.

31. At approximately 2:00 p.m. on Friday, January 30, 1981, Plaintiff was permitted by Defendants to leave the location.

32. During Plaintiff's three day period of imprisonment, all Defendants engaged in a continuous attempt to coerce Plaintiff into renouncing his religious affiliation with the Church by impressing upon him their interpretation of various documents, books, and other materials. Said coercion was often accompanied

by argumentative and threatening gestures and statements. During this time, in order to avoid prolonged imprisonment and violence to his person, Plaintiff feigned interest in the teachings and conversations, knowing that escape was impossible.

33. On January 30, 1981, prior to his release, Defendant Flannigan requested that Plaintiff go to the home of Defendant Cooper for the purpose of continuing their discussion regarding Plaintiff's affiliation with the Church. Plaintiff agreed, in the hope that continued cooperation would terminate the imprisonment, remove the threat of violence, and hopefully prevent further violations of his civil rights from occurring.

34. At approximately 6:30 p.m. on January 30, 1981, Plaintiff went to the home of Defendant Cooper, and remained there for several hours. Present were Defendants Cooper, Flannigan, Osler, Fedyniac, and others. Portions of the conversation between the above-mentioned persons and Plaintiff challenged his continued relationship with the Church.

35. On or about February 3rd, 1981, at the request of his parents, Plaintiff flew to Las Vegas, Nevada, to engage in a conversation with Defendant Walters. Defendant agreed to said action in the hope that cooperation with his parents' wishes would prevent future violations by Defendants in Plaintiff's civil rights. Plaintiff was engaged in conversation with Defendant Walters for approximately three hours. Also present and involved in said conversation was Defendant Chancellor. During the course of this conversation, both Defendants Walters and Chancellor attempted to cause Plaintiff to renounce his affiliation with the Church. On February 3rd, 1981, Plaintiff returned

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Steve Miller	:	
vs	:	No. 81-4275-FW
Kevin M. Flynn, et al.	:	

DEPOSITION OF KEVIN M. FLYNN, taken on behalf of the Plaintiff pursuant to notice under the Federal Rules of Civil Procedure, before Jocelyn S. Harhay, a Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, commencing at 11:00 a.m., on Tuesday, April 13, 1982.

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Millers and probably receipts, maybe some receipts.

Q When is the last time you looked in that file?

A I would say more than a year ago.

Q Would you explain to me, when a client comes in, I take it that you open a file on them, correct?

A Can I explain something? When you say "client," I don't have any clients. I mean I -- I believe I might have a file for the Millers as I mentioned, but I don't normally open up a file for something like this. If I open up a file, it's generally for just former members. Those are the files that I open up.

Q Is your testimony that Mr. Miller or by the time that he walked out of that office was not a client of yours?

A Oh, I wouldn't -- I don't know. I don't -- you'd have to ask Mr. Miller.

Q I'm asking you.

A I just answered. I don't know whether he considered himself to be a client.

Q Did you consider him to be a client of yours?

A I would say at that point, no.

Q Had he agreed to pay you a retainer fee for services?

A I don't believe so at that date.

Q Had you agreed to provide services for him, Mr. Flynn?

A Absolutely. I agreed to help him if I could.

Q Had you agreed to provide services for him?
A What services? I don't understand.
Q Any type of services whatsoever.
A Yes. I would say yes.
Q And did he agree to pay you for those services?
A I just answered your question at that point. I don't know. I don't remember.
Q You don't remember whether he agreed to pay you?
A It may have been a conversation shortly thereafter. It may have been that day. I'm trying to be as exact as I can. I don't recall whether it was there or maybe in a conversation shortly thereafter.
Q When you say a conversation shortly thereafter, that would be a telephonic conversation; is that correct?
A True. That's correct.
Q At some point in time prior to January of 1981, did you agree to provide services to the Millers for a fee?
A Yes.
Q What were those services to be?
A They would be to provide the Millers with a complete background, essentially an education of the Church of Scientology's activities, to review all our documents or documentations concerning most of which were quotes from Washington, D.C. after the F.B.I. search of the

Church of Scientology in 1977 which was about 15,000 documents.

Q You agreed to review those documents for them?

A Yes, for them.

Q Hadn't you already done that?

A I mean piece mail for certain pieces of information.

Q What else?

A Let's see. We discussed his son. I was to interview former scientologists, former -- excuse me -- former members of the Church to determine if they knew of Steve Miller and what they knew about him.

And I was to contact other former members that would be willing to talk to Bernie Miller about their actual experiences in the Church and with the hope of having these fellows and this information given to the Millers and some of the documentation concerning criminal activities and publications of the Church of Scientology concerning its fair game law which, you know, we'll get into maybe later and disconnect policies and other former members' experiences aside from the people who would be coming to speak with him -- who would be willing to speak to the Millers and their son if he was willing. And those were the services I was to provide.

Q And haven't you missed some, Mr. Flynn?

A Did I miss some?
Q Yes.
A Not at that point I don't believe so.
Q Didn't you agree to make all the arrangements for this meeting between -- strike that.

One of the people who you told Mr. Miller that would be handling this would be Joseph Flannigan, correct?

A Would be handling this? He would be one of the persons at that point of our conversation that we're talking about that would be -- would go and speak to Bernard Miller.
Q Right. And to his son, correct?
A And to his son if he was willing, that's correct.
Q Now, didn't you agree to handle all of the travel arrangements, hotel arrangements: you would handle everything in terms of getting all these parties together, correct?
A Not in this conversation.
Q At this time, was that a service that you were going to provide to Mr. Miller?
A In a later conversation, that's correct.
Q Is that a service that you provided to Mr. Miller?
A That's correct.

PENGAD CO., BAYONNE, N.J. 07002 - FORM A 340

Q And you did that for a fee, correct?
A Well, I did. Most of my fee concerned the other items I just discussed with you. Providing the arrangements for having Flannigan and this fellow, Osler, meet with Mr. Miller was something I did. We just talked about it between the two of us, and I agreed I'd put them together.
Q You agreed to set up this whole thing for Mr. Miller for a fee, isn't that a true statement?

MR. LEVINE: I'm going to object to the charcterization as to the "whole thing" unless you define what you mean.

MR. RANDOLPH: All right.

Q I'm referring to the situation in which Steve Miller would be confronted with these persons whom you've referred to as ex-scientologists and the information that you had about them. You agreed with Mr. Miller to set up all of the arrangements for this, correct; and you would do this for a fee, correct?
A Along with the other things I mentioned, correct.
Q So all of the things now that you have listed so far fall under the category of services that you would provide to Mr. Miller for a fee, is that correct?
A Correct.

Q What was that? What did you tell Mr. Miller that fee would be?

A I believe I told him it would be approximately $10,000.

Q Now, these various individuals, Joe Flannigan and people who would assist him, would receive their payment from you; is that correct?

A That's correct.

Q And you would make all the arrangements for travel and the hotel, correct?

A I -- that's correct.

Q That's a service that you would provide?

A That's part of the service.

Q At this in-person conversation with Mr. Miller, did you ask Mr. Miller to give you a deposit?

A No.

Q You discussed the fee at that initial conversation, correct?

A No. That's what I'm saying. I don't believe I did. I don't recall discussing the fee with him at that point. I may have, but I thought it was a later conversation shortly thereafter that I discussed a fee.

Q Mr. Flynn, Mr. Miller came up and had a conversation with you in which he said he needed help: What can you do? And you said, This is what I can do. Didn't he

then say, All right. Now that I know, what's this going to cost me?

Didn't he say that?

A You're asking me if I remember, and I'm saying that I don't recall him saying that. There may have been some conversation along the line of there will be some cost to get the information to you. And, you know -- but, again, any discussion of amounts or the fact of what the fee would be I think happened in a conversation shortly thereafter on the telephone.

Q So to the best of your recollection, there was no discussion of a fee in this in-person meeting; is that your statement?

A Again, I believe it was a telephone conversation thereafter.

Q Well, how were things left at the end of this in-person meeting?

A That I was going to call them.

Q And tell them what?

A And I think we were -- I was going to send them some information, some preliminary information about what Scientology was all about. And I think I did that. And then I think we discussed on the phone -- I think I may have said, Well, let me, you know, see what I can do and

think about what I can do, etc. And then I'll get back to them.

Q That's your recollection? You said that to Mr. Miller?

A Again, I really don't recall that particular meeting whether we discussed what you're asking. I thought it was in a conversation thereafter, but it might have been in a meeting.

Q Would reviewing the file refresh your recollection as to the events which occurred regarding this case?

MR. LEVINE: Which file are you talking about?

MR. RANDOLPH: The Miller file.

A I doubt it. Again, it may; but I doubt it. There's not very many things in there.

Q Will you provide that file in this deposition, please?

A Sure.

MR. LEVINE: Can he do it tomorrow?

Q Can you bring that with you tomorrow?

A I'd be glad to.

Q Okay. Directing your attention again to this file, you indicated there may be some notes in there, there may be some correspondence in there, and there may be some receipts in there.

Is there anything else in that file that you think exists?

The El Paso Journal

1977

Texas Endangered by Religious Inquisition Bill

A strongly-worded denunciation of House Simple Resolution 35, which would set up a religious inquisition in the state of Texas, was unanimously adopted last week by the usually conservative Religious Community of EL Paso County, formerly known as the El Paso Council of Churches.

HSR 35, as it is known, was recently introduced in the Texas House of Representatives by Rep. Al Brown of San Antonio and Rep. Bennie Bock of New Braunfels.

On the surface, the resolution seems harmless enough. If passed, it means a committee will be appointed by the Speaker of the House, Bill Clayton, to study "cult movements" throughout the State.

* * *

The principal definition of a cult, from the American Heritage dictionary, is "a system or community of religious worship and ritual, especially one focusing upon a single deity or spirit."

Under such a definition, virtually every organized religion in Texas could be viewed as a cult, and this special committee would then be set up as God to see which are and which are not bona fide religions.

The Rev. Jimmy R. Allen, pastor of the First Baptist Church in San Antonio, denounced HSR 35 and stated "the Texas Legislature is not known for its theological insight. The founders of our Republic understood this more than most."

* * *

The El Paso Religious Community resolved that "House Simple Resolution 35 is in direct violation with the principles of separation of Church and State, and we are on record in strict opposition of this House resolution.

"We respectfully urge all to vote against this resolution and request the support of each in the policies of our own faiths through the religious community itself."

The resolution was passed unanimously by the executive committee of the El Paso group and was signed by Leon Feldt, president of the Religious Community.

Shades of the Spanish Inquisition?

The prospect of a religious inquest becomes alarming indeed when one considers that Ted Patrick, a leader of the controversial "deprogrammers" who are in support of HSR 35, has a list of 5,000 "cults" in the United States, including Houston's Episcopal Church of the Redeemer, which in 1973 received the Guidepost Magazine citation as "Church of the Year."

Patrick recently attempted to deprogram Peter Willis, 28, of Redeemer Church. The deprogramming was successful, as Willis kept his faith, Patrick keeps on trying. He is presently in jail in Denver for the crimes he committed attempting to deprogram two 27-year-old Greek Orthodox women.

The deprogrammers have come under increasingly heavy attacks. Archbishop Fulton J. Sheen sees deprogramming as "brainwashing, often done for huge profit and so sinister and violent as to overshadow any of the brainwashing charges leveled at the cults."

* * *

HSR 35 passed out of the Criminal Jurisprudence committee of the Texas House on May 10. It is presently before the Calendars committee to be set on the calendar to go before the full House of Representatives.

As *The Journal* went to press, it looked as though HSR 35 was not coming up for a vote before the recess on May 30. In any event, the answer to cults does not lie in laws, jails, courts, kidnappings, or resolutions. In the words of Rev. Jimmy Allen, the basic answer lies in a vital, experiental religious commitment. ■

The News World

Friday
October 30, 1981
New York City, Volume VI, No. 289

Ted Patrick, starter of deprogramming, faces sex charges

by Ted Agres
NEWS WORLD WASHINGTON BUREAU

WASHINGTON — Ted Patrick, founder of the practice of "deprogramming" converts of new religions, was indicted yesterday by a grand jury in Ohio on six counts of sexual battery and three counts of kidnapping, abduction and assault against a 20-year-old woman.

Patrick, who was out on bail at the time of the alleged crimes, is at present serving a one-year prison term in San Diego from a previous conviction on kidnapping charges relating to deprogramming.

San Diego law enforcement officials said they expected to receive extradition papers from Ohio shortly.

"Deprogramming" is a widely condemned practice of forcing an individual to renounce his or her religious belief and has been applied mainly to members of the "new religions." But converts to older, established religions have also been targets of deprogramming.



Ted Patrick

The practice of deprograming has been condemned by the American Civil Liberties Union, the National Council of Churches and many other religious organizations.

A grand jury, sitting in Hamilton County, Ohio, yesterday handed down a nine-count indictment against Patrick and three other

(Continued on page 18A)

PATRICK

FROM PAGE 1A

individuals for allegedly kidnapping and sexually abusing Stephaine Riethmiller.

What makes the case particularly unusual, officials said, is that Miss Riethmiller was not a member of a religious group. Rather, her parents reportedly were upset because they thought their daughter was having a relationship with her "roommate," identified as Patricia Thiemann.

The parents allegedly hired Patrick for $8,000 for his "services" to deprogram their daughter from her relationship with the woman.

Also named in the indictment were James Roe of San Diego, Naomi Kelley Goff, of Leesburg, Ala., and a man identified only as "Ray." The mother, Marita Riethmiller, has reportedly been granted immunity from prosecution in exchange for her agreeing to tesrify against Patrick and the others.

Five-year sentence

According to Ray Cameron, a forensic consultant to the San Diego district attorney's office, Patrick was convicted in October, 1980, on kidnapping charges in San Diego and was given a five-year prison sentence suspended to one year in county jail and five years probation. At the time of the alleged Ohio kidnapping, Patrick was out on bail pending an appeal to the appelate court in California, Cameron said.

"We petitioned our court to revoke his bail, which they did, and the court probably will condsider a probation revocation hearing as well after other charges are made known," Cameron said.

Miss Riethmiller was reportedly kidnapped from Ohio and taken to Alabama where she was allegedly held against her will and sexually abused during the attempted "deprogramming."

AFFIDAVIT

I, Arthur Roselle, do hereby attest that the following is true:

1. That on November 1, 1976 while I was visiting my family, who live in Utica, Michigan, I was asked to pick up my younger sister Louri Roselle, who was about 16 years old, from a neighborhood residence belonging to Mr. & Mrs. Ed Czarnecki.
2. That after being directed to the basement and greeting my sister, I was approached from behind by my father who while shaking my hand asked me to be co-operative and listen to some people who were on the way over. At the same moment twelve (12) men who accompanied my father moved swiftly to block the stairway and surround me. After I had moved over in order to position my back to the wall, my father spent thirty minutes trying to convince me to enter a small room to my right. During this time the two deprogrammers my father was waiting for had arrived. They were identified as Steve Hassan and Ellen Lloyd (both ex-Unification Church members.)
3. That during that thirty minutes I had deperately tried to convince everyone present that I was being held against my own will, and that what they were doing was illegal.
4. That when I tried to leave, my arms were seized by the men and I was thrown down to the tile floor, causing me to hit the tile floor receiving a cut on the inside of my lower lip and bruises on my chin and right cheek bone. My hands and feet were then tied and I was carried into the small room and placed on a cot, where the deprogrammers Ellen Lloyd and Steve Hassan began working in shifts to deprogramme.
5. That one man present, Harry Kruk, a hypnotist, watched the struggle and was standing over me while I lay on the floor. That Mr. Kruk observed and recorded my deprogramming at various times.
6. During the first three days of the deprogramming I was tied up the whole time, and Steve and Ellen took shifts deprogramming me so I was not allowed to sleep.
7. That when the deprogramming started I decided not to speak to anyone or eat anything, that after two days of this Steve Hassan threatened to subject me to a series of shots.
8. That during the first three days during Steve's shifts he would insult me and humiliate me as a person.
9. That during Ellen's shifts she would read me documents and play me tapes, that the tapes were slanted and untrue documentaries from various programmes (from TV and radio), that the documents and tapes reminded me of Nazi propoganda from World War II.
9. That Ellen tried to excite arguements between me and my family, it seemed to give her great pleasure when my parents and myself did get into arguements, that she created.
10. That after three days I decided that there wasn't much chance of anyone finding me. My hands being tied behind my back so tightly and for such a long time, the circulation was cut off. That as I stretched to look behind me I could see that my right hand was turning a bruise color and was badly swollen. That when the ropes were removed after 3 days my left hand was very badly swollen and a blue color and my right hand was beginning to swell and get a bruise color.

Page one of the affidavit of Arthur Roselle.

Signature Arthur Roselle Notary Mary Beth Pender

MARY BETH PENDER
NOTARY PUBLIC, KALKASKA CO., MI
MY COMMISSION EXPIRES 8-01-82

11. That during the first three days, I was escorted to the bathroom while my hands were still bound and tied.
12. That during those first three days there was no washing and/or shaving of my body allowed by the deprogrammers.
13. That the bathroom, was a pot that a neighbor helped me urinate into, that due to embarressment I did not allow myself to deficate.
14. That during the first days many people came and went; members of my family, my Aunt and Uncle, and my Dad's business partner, members of parents' Church, and even people I didn't know. Some talked to me, some just came and looked at me. I was unclean and unshaven, my clothes were messed up, and I was either tied to a chair or to the cot. The experience was designed to humilitate me. That I felt like I was a captured animal in a zoo.
15. That because after three days I became alarmed about the condition of my hands, and my health, I relented. I then agreed I would listen to what they, the deprogrammers, had to say and requested to have the ropes taken off. That they did remove the ropes after I agreed to their demand of not trying to escape or run away.
16. That at this point in time I was allowed to choose which of the deprogramming activities, books, and tapes I wanted to. One thing we did do was have a Bible Study which was at my request. That my brother-in-law Richard Secord was the sort-of chairman of the study. The thing that struck me the most about the studies were that noone could agree upon anything in the Bible.
17. That I was given a half a dozen books by Steve Hassan, all pertaining to brainwashing or mind control, and was instructed to read certain segments, which I did. That I was struck by the similarities of deprogramming to brainwashing: sleep deprivation, food deprivation, indoctrination periods, the giving of selecting things to read, humiliation, isolation, controlled environment, and lack of privacy while taking care of bodily functions.
18. That as I discussed the pro's and con's of the Unification Church's activities and its tenets with Steve Hassan and Ellen Lloyd, I was frequently asked to deny the authenticity of Reverened Moon and my religious beliefs.
19. That on the fourth day, that upon asking what it is to be deprogrammed and just what it is that these people would like me to become, Mrs. Bahling replied: "Deprogramming was putting a person in a position where he or she can think freely for him or herself." I then assured everyone present that I was in the position to think freely for myself, and if that was the criterion, that I was officially deprogrammed.
20. That even though I did not renounce my religious beliefs, I did take a sincere interest in the literature that I was given which ironically, confirmed by thoughts that deprogramming is a form of brainwashing or thought reform. That the techniques used on me in my deprogramming could be quoted from the various books that I was given to read: 1. Battle of the Mind, 2. True Believer, 3. Rape of the Mind 4. and a book by Lifton on mind control and its political uses.
21. That during the period after I was untied, I expressed to my parents that I understood that it was their love for me which led them to do what they had done. Though I did not think that their actions were just or fair by any means. That this was a sincere expression, for even though their actions were unfounded and unjust and unmoral (in any context) they did do it out of parental concern.

Signature Arthur Roselle Notary Mary Beth Pender

continued on page three.

MARY BETH PENDER
NOTARY PUBLIC, KALKASKA CO., MI
MY COMMISSION EXPIRES 8-01-82

Page three of the affidavit of Arthur Roselle.

22. That after seven days had passed, I had made friends with everyone. That Steve Hassan assured everyone that I was deprogrammed and ready for rehabilitation.
23. That a former Unification Church member (and an active deprogrammer) by the name of Kathy Knight offered a place to stay in Tucson, Arizona at her sister and brother-in-law's place (Mr. and Mrs. McQueen). This I found would be an opportunity for freer movement, plus an opportunity to meet Gary Scharf, a director of the Freedom of Thought Foundation, which has since been closed down by Federal Court Order.
24. I agreed to leave Michigan and go to Tucson, Arizona with the intentions of meeting with Gary Scharf who was working as part of the Freedom of Thought Foundation headed by Joe Alexander Sr. (Joe is a close associate of Ted Patrick, Patrick was serving a jail sentence during the time of my deprogramming).
25. That on November 14, 1976 while accompanied by Kathy Knight for a week in Tuscon, and after meeting with Gary Scharf (whom, I m afraid disappointed me, as he was a confused person), I took the opportunity at 1:00 AM to arrange for a taxi to the airport. From there I caught a flight to Denver, Colorado, from there I returned to Michigan, where I work for the Unificat on Church. That I made my escape with any of the deprogrammers knowledge.
26. That I know from my own experience with deprogramming that they could easily cause a person being deprogrammed to go into a psychotic break from reality and agree with anything that the deprogrammers were telling them.

Arthur W Roselle
SIGNATURE

STATE OF MICHIGAN
COUNTY OF Kalkaska SS

Sworn to and subscribed to
before me this 7th day of
July, 1979.

Mary Beth Pender Notary Public, my commission
expires on: August 1, 1982

MARY BETH PENDER
NOTARY PUBLIC, KALKASKA CO., MI
MY COMMISSION EXPIRES 8-01-82

County of Suffolk)
SS
State of New York)

AFFIDAVIT

I, Debbie Morgan of Smithtown, New York, do hereby depose and say that:

I am the daughter of Lyn and Thomas Morgan of 10 Albatross Lane, Smithtown, New York.

That during the month of May, 1977 I returned home from a a fellowship meeting at "The Way". When I arrived home, my parents, my brother, and my sister were in the living room with two young men unknown to me at this time. As I entered, the conversation seemed to change and they started talking about burglar alarms, the two young men started trying to sell my parents the alarms.. I later discovered that one of these men was Kevin Noon and the other was named "John".

Approximately two days later, a Friday, my brother Michael Morgan and his wife, Candy Morgan, offered to take me to the movies that night. That evening, at about 7 pm we left the house and as we were driving my brother suggested we go to look at a construction site that he was supposedly working on. The construction site turne out to be a motel in Hauppauge, Long Island, whose name I do not remember. My brother led me into a room which had a sign on the outside "Room under construction". When I was in the room, my brother Michael told me to sit down as I would be staying there for a while. Then one of the young men who had been at the house two nights before came into the room from an adjoining room and introduced himself as "Kevin Noon", a "professional deprogrammer". Kevin handed me some papers which were "conservatorship papers". I recall them stating that either my parents or a guardian appointed my a judge would have control of my property and income because the papers stated that I had turned over all my income to "The Way". I do not remember the papers stating that I was under the control of anyone, just my property.

I told my brother that the statement about me giving all my money to The Way was a lie and he said "We know that, we had to say something to get the papers".

At about six PM on Saturday Kevin was convinced I was deprogrammed and told everyone that I was. Then my family and and the deprogrammers had a party. Beer was bought etc.. At about midnight everyone except Kevin and Wayne had left my room. Wayne was watching TV and Kevin came over to my bed and started telling me about how there was no tape recording of the deprogrammin and that there were not a bunch of guys outside and that he (Kevin) was originally going to put on a policeman's uniform to scare me if I had been violent at first. While he was talking, he put his arm around me and then started kissing me. I was afraid to resist as I thought that if I didn't resist I could get out of there a lot sooner. He then asked me to have sex with him. I told him no, as I did not want to get pregnant - this being a good excuse without fighting him since I was still a prisoner being kept locked up by him. He said that I didn't have to worry about it as he could get "something" from his friend "Wayne" who was still watching TV in the room. He got something from Wayne and told Wayne to leave the room and not come back in. Wayne left and went into the adjoining room. Kevin then proceeded to have sex with me. I can truthfully say that if I had been free to leave the room of my own volition, Kevin would never have gotten close to me.

On Sunday morning Kevin called a man in Vermont to have me take a "voice stress" test to make sure I had been deprogrammed. I did not pass the test over the phone, but then Kevin talked to me and based on the way I answered the questions, he said I passed. I was then made to sign a statement before being allowed to leave. This statement said that if I ever went back to The Way, the police could come and remove me and that while I was a member of of The Way I was under "mind control". I wish to state here that I signed this paper under emotional and psychological duress with the only purpose being to be let out of the room and end the de-programming.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

----------x

STEVE MILLER,

Plaintiff,

-against-

KEVIN M. FLYNN, FLYNN ASSOCIATES MANAGEMENT CORPORATION, MICHAEL FLYNN, JOSEPH FLANNIGAN, LEV FEDYNIAK, PAT OSLER, JOHN G. CLARK, JR., M.D., BOSTON DEVELOPMENT INSTITUTE, EDWARD WALTERS, JACK CHANCELLOR, PAULETTE COOPER and BRUCE HOENIG,

Defendants.

Civil Action
No. 81 4275-Fl.

----------x

Deposition of JOSEPH M. FLANAGAN, taken by the Plaintiff, pursuant to notice, at 42 West 44th Street, New York, New York 10036, on Thursday, April 22, 1982, at 10:00 o'clock in the forenoon, before William Davis, a Certified Shorthand Reporter and a Notary Public within and for the State of New York.

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NEWROCK REPORTING SERVICE
WILLIAM NEWROCK, CSR
36 West 44th Street
New York, N.Y. 10036
(212) 840-1891

think of the people that you actually brought up there.

A Yes.

Q Maybe make a list of them and then try and figure out the order in which you brought them up there.

A Yes. I'm trying to make a mental list here.

Q Or you are free to just make your own list. I am not interested in your notes.

A It strikes me that I brought a lot of people there but I am having a hard time remembering.

Q Well, let's go through the ones you do remember.

A Yes.

Eddie Tarraba was one.

Donald Baer.

Marjorie Cole.

And there was a girl named Pearl Rosofsky.

Q Could you spell that last name, first and last name?

A It's simple, I think. I think it's R-o-s-o-f-s-k-y.

Q What is the first name?

A Pearl.

Q The mystery has been solved. We have had

a number of pronunciations of that name over the past couple of weeks.

All right.

Who else can you remember?

A I am trying to think. Nobody is coming to mind right no-. There had to be more though.

Q Well, is there something that you can use to refresh your memory as to who else you escorted up there?

A No, other than trying to put it down on the list. Whom did I escort there? Maybe that's it. Jimmy Hollcraft was there.

Q Well, if you think of more during the course of the deposition you can add to the list.

A Yes.

Q Why don't you keep that list for your own use.

A Yes. There is no problem there. It may come up with someone I was there, and I will be sure to add that.

Q Let's talk about the times you met with Kevin Flynn in which you were not escorting someone to his office.

A Okay.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER, Plaintiff,	:
-against-	: Civil Action No. 81 4275-FW
KEVIN M. FLYNN, FLYNN ASSOCIATES MANAGEMENT CORPORATION, MICHAEL FLYNN, JOSEPH FLANNIGAN, LEV FEDYNIAK, PAT OSLER, JOHN G. CLARK, JR., M.D., BOSTON DEVELOPMENT INSTITUTE, EDWARD WALTERS, JACK CHANCELLOR, PAULETTE COOPER and BRUCE HOENIG, Defendants.	:

Continued deposition of JOSEPH M. FLANAGAN, taken by the Plaintiff pursuant to adjournment, at 42 West 44th Street, New York, New York, on Friday, April 23, 1982, at 10:20 o'clock in the forenoon, before William Davis, a Certified Shorthand Reporter and a Notary Public within and for the State of New York.

NEWROCK REPORTING SERVICE
WILLIAM NEWROCK, CSR
36 West 44th Street
New York, N.Y. 10036
(212) 840-1891

Did you escort Pearl Rosofsky to the office?

A Yes.

Q All right. Pearl Rosofsky.

That comes to seven. Any others you can think of?

And Tarraba? Did you escort him to the office?

A Yes.

Wasn't that already included in the list?

Q I had forgotten.

A Okay.

Q That makes eight.

And that's as many as you can remember at this time; correct?

A Correct.

Q All right.

I would like to go through this list and have you indicate to me who else -- whether you met with Michael Flynn at the time and who else was present with you besides yourself and the individual whom you have named. You just go right down the list.

First, Pat Rosenkjar. Did you meet with Michael Flynn?

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

1

FILED
OCT 14, 1981

CHRISTOPHER LLOYD GARRISON and ELLEN LEE GARRISON, Plaintiffs, -against- JOSEPH FLANNAGAN, BARRY FLANNAGAN, FRAN FLANNAGAN, STEVEN FLANNAGAN, MARK McGREGOR, ERNEST SIMPSON, JASON VAN STEEMBURG, JOSEPH THOMAS, KEVIN FLYNN and PAULETTE COOPER, Defendants.	COMPLAINT (Plaintiffs Demand A Trial By Jury)

Plaintiffs CHRISTOPHER LLOYD GARRISON and ELLEN LEE GARRISON, by their attorneys, complaining of the defendants, allege as follows:

The Parties

1. Plaintiff CHRISTOPHER LLOYD GARRISON is a citizen of the United States of America and a resident of the Commonwealth of Massachusetts.

2. Plaintiff ELLEN LEE GARRISON is a citizen of the United States of America and a resident of the Commonwealth of Massachusetts.

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3. At all times pertinent hereto, plaintiff CHRISTOPHER LLOYD GARRISON and plaintiff ELLEN LEE GARRISON were, and still are, married to each other.

21. It was a further part of the aforesaid conspiracy that the defendants and the named co-conspirators, who are not defendants herein, would seek to intimidate, then to interfere with, and finally to prevent the plaintiffs from traveling from state to state.

22. In furtherance of the aforesaid conspiracy, and to effect the objects thereof, the following overt acts, amongst others, were committed:

(a) On August 9, 1980, upon entering the home of HERBERT LEBOWITZ and SONIA LEBOWITZ, located at 193 Corinth Street, North Adams, Massachusetts, plaintiff CHRISTOPHER LLOYD GARRISON and plaintiff ELLEN LEE GARRISON were met by co-conspirators HERBERT LEBOWITZ, SONIA LEBOWITZ and ANDREW LEBOWITZ and the defendant JOSEPH FLANNAGAN.

(b) Immediately afterward the defendants FRAN FLANNAGAN, STEVEN FLANNAGAN, MARK McGREGOR, ERNEST SIMPSON, JASON VAN STEEMBURG and JOSEPH THOMAS entered the room, and surrounded the plaintiffs.

(c) Defendant JASON VAN STEEMBURG stood next to plaintiff CHRISTOPHER LLOYD GARRISON, menacingly, in a fixed karate stance.

(d) Defendant JOSEPH FLANNAGAN informed the plaintiffs that he intended to "deprogram" them so that they would renounce their religious affiliations with the Church of Scientology and abandon their religious beliefs.

(e) The defendants and the named co-conspirators, who are not defendants herein, forcibly prevented the plaintiffs

from leaving the home of HERBERT LEBOWITZ and SONIA LEBOWITZ, when they arose to walk outside to their automobile.

(f) In the early morning hours of August 10, 1980, the defendants and the named co-conspirators, who are not defendants herein, forcibly removed the plaintiffs from the home of HERBERT LEBOWITZ and SONIA LEBOWITZ, and thrust them against their will into the back of a truck that was parked outside the house.

(g) Thereafter the defendants drove the plaintiffs against their will to a remote cottage located in Dalton, Massachusetts.

(h) The defendants held the plaintiffs captive in the aforesaid cottage for approximately one and one-half days. The plaintiffs were kept under guard at all times. The plaintiffs' bedroom, adjoining the living room, lacked a door. Slabs of wood covered the windows of the bedroom and the bathroom.

(i) Throughout the entire period that the plaintiffs were held captive, the defendants ridiculed the plaintiffs' religion and vilified its founder, attempting to induce the plaintiffs to renounce their religious beliefs.

(j) In furtherance of their unlawful scheme, the defendant JOSEPH FLANNAGAN read from and exhibited to the plaintiffs written materials obtained from the defendant PAULETTE COOPER.

(k) Despite the plaintiffs' requests that the deprogramming end, the defendant JOSEPH FLANNAGAN refused, informing the plaintiffs that they would endure it, like it or not, and that the defendants would continue to detain the plaintiffs against their will.

(l) In furtherance of their unlawful scheme, and as part of their conspiracy to induce the plaintiffs to repudiate their religious affiliations and beliefs, the defendants repeatedly invited the plaintiffs to confer with the defendants KEVIN FLYNN and PAULETTE COOPER, among other persons, and to review certain documents, for further deprogramming.

(m) During the evening of August 10, 1980, the defendant BARRY FLANNAGAN traveled to New York City, where he obtained documents from the defendant PAULETTE COOPER for use in the defendants' continuing attempt to deprogram the plaintiffs, returning early the next morning to the cottage where the plaintiffs were held captive.

(n) On August 22, 1980, the defendant JOSEPH FLANNAGAN wrote a letter to the plaintiffs and sent them certain documents as part of the continuing attempt to force them to renounce their religious affiliations and beliefs.

(o) On or about September 8, 1980, in Boston, Massachusetts, the defendant KEVIN FLYNN implied that the plaintiffs' imminent arrest for crimes relating to their association with the Church of Scientology of Boston impended unless they agreed to join as plaintiffs in a class action then pending against the aforesaid Church - an action in which MICHAEL J. FLYNN, the brother of the defendant KEVIN FLYNN, represented the plaintiffs - all of the foregoing statements made in furtherance of the conspiratorial scheme to intimidate the plaintiffs into renouncing their religious beliefs and affiliations.

(p) On or about October 10, 1980, the defendant KEVIN FLYNN went to the private school in Belmont, Massachusetts, where plaintiff ELLEN LEE GARRISON is employed as Executive Director, and reiterated the threat to the plaintiffs of an imminent criminal prosecution unless they renounced their religious beliefs and affiliations.

23. As a result of the conspiracy and acts complained of herein, the plaintiffs suffered physical injuries as well as mental and emotional distress.

24. As a further result of the aforesaid conspiracy and the acts complained of herein, the plaintiffs were denied, intentionally, maliciously and wrongfully, the equal protection of the laws and the enjoyment of their rights, privileges and immunities as citizens of the United States of America and of the Commonwealth of Massachusetts, including, but not limited to, freedom of religion, freedom of association and freedom of travel.

25. In consequence of the acts complained of herein, the plaintiffs have suffered actual damages in the amount of one million ($1,000,000) dollars.

26. In consequence of the acts complained of herein, punitive damages in the sum of one million ($1,000,000) dollars should be awarded in favor of the plaintiffs, together with an award of attorney's fees as provided by statute.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Steve Miller	:	
vs	:	No. 81-4275-FW
Kevin M. Flynn, et al.	:	

DEPOSITION OF KEVIN M. FLYNN, taken on behalf of the Plaintiff pursuant to notice under the Federal Rules of Civil Procedure, before Jocelyn S. Harhay, a Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, commencing at 11:00 a.m., on Tuesday, April 13, 1982.

HAROLD GABRIEL CERTIFIED SHORTHAND REPORTER
15 VAN WART PATH, NEWTON CENTRE, MASSACHUSETTS 02159

MR. RANDOLPH: He said he wasn't sure.

A No. I said I don't believe I did.

Q Do you know one way or another, Mr. Flynn?

A I don't believe so I used the word.

Q Is there some reason why you don't use this word, Mr. Flynn?

A Well, if -- I don't believe I use the word because I think probably the definition is -- involves kidnapping and false imprisonment.

Q Is that how you define it?

A I think so, yes. When I think about it, I think so.

Q When did you first have contact with Mr. Bernard Miller?

A It was sometime in November, late November I think.

Q Of what year?

A 1980.

Q Who contacted who?

A Mr. Miller contacted me.

Q Was that by telephone, by letter? How did he contact you?

A By telephone.

Q And tell me everything that he said and everything that you said in that conversation.

A As best I can remember, I'll tell you.

He identified himself. He explained who he

was.

Q What did he say about who he was?

A He just mentioned that he was -- he had a son who was involved in the Church of Scientology -- he was -- his wife I think was on the phone too -- that he was -- he knew about us, and he had researched that I had done quite a bit of research on the Church of Scientology.

I don't recall how he got my name. I think it was through a newspaper, newspaper articles or something to that effect.

He explained briefly what the situation was with his son, how he was in the Church; and he had been talking to his son patiently off and on. And he was very concerned about his son's health. He felt that -- not just mental health but physical health -- that he had been involved in the Church for a number of years. And now that he had read that a lot of information about the Church had recently come up -- come out, and he knew that -- or he discussed the fact that probably I had most of the information concerning the organization in the country; and he wanted to come up and speak about that and about what he could do to get this information to his son.

And he told me that he'd like to get his son

out of the Church of Scientology because of dangers it had within, you know, the organization.

So I remember telling him that it wasn't uncommon to get a phone call such as his. I was probably talking to as many as five or ten parents or spouses or whatever who had children or spouses in the Church of Scientology, and they were constantly requesting information.

Q Was that five or ten a week?

A Per week, I'm sorry, at that time.

And he asked if he could come up and meet with me to talk about it further and find -- at that time he wanted to educate himself a lot more on the Church of Scientology and find out about some of the criminal activities that the organization had been involved in which had just recently come out.

And he asked what would, you know, what the opportunities and possibilities were to get the information to Steve and what would the effects be, what would happen.

And I told him that he is welcome to come up and speak about it. And I asked I think for a little bit of information about him only because of the fact that this organization has a group within it called the

BOSTON GLOBE
BOSTON, MA
D. 480,691

JUN 1 1983

New England Newsclip

Boston lawyer, Scientology locked in battle since 1979

PAGE ONE

Second of two articles
By Ben Bradlee Jr.
Globe Staff

Boston attorney Michael J. Flynn concedes that the Church of Scientology has become an obsession with him, and, for its part, the church at times has treated Flynn like a demon.

The two sides have fought in and out of court for four years – since Flynn and three associates at his small waterfront law firm began spending nearly all their time representing Scientology defectors in civil lawsuits against the church.

The torrent of vituperation between the parties has tended to blur the legal claims made in 22 suits Flynn has filed around the country since 1979. In the suits, all still pending, Flynn generally asserts that the church has engaged in fraud, misrepresentation, breach of contract and infliction of emotional distress, and that it should repay to the 32 defectors he represents the money they donated to the church, plus damages. The church categorically denies the charges.

Flynn's most notable Scientology case is the one brought in California last year on behalf of Ronald DeWolf, the estranged son of church founder L. Ron Hubbard. Hubbard has not been seen publicly for seven years. DeWolf contends his father is either dead or missing, though the judge in the case said recently he believes that Hubbard is alive. DeWolf also alleges that his father's personal assets, estimated

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■ SCIENTOLOGY
Continued from Page 1

at $500 million, are being plundered by church leaders, and he is asking to be appointed trustee of his father's estate.

Each side has accused the other of using ugly, underhanded tactics. The church, calling Flynn a "shyster" and an "extortionist," contends he is "the ringmaster of a national media and litigation campaign against Scientology."

Flynn, meanwhile, likens the church to a group of "Nazis." He charges it has carried out numerous dirty tricks and acts of harassment against him. Affidavits in support of his contention are on file in US District Court in Boston in connection with pending litigation involving four defectors.

To support its claims against Flynn, the church often cites what it calls "the Michael Flynn extortion letter." In the midst of settlement negotiations with the church in 1981, Flynn offered in writing to drop all the litigation filed up to that time and return to Scientology officials thousands of pages of FBI-seized church documents if the church would pay the defectors he then represented "not less" than $1.6 million. If the church did not accept in 14 days, Flynn added, he would proceed with plans to file an additional 8 to 10 suits on behalf of defectors in New York, Washington and Los Angeles. Although at one point the church told Flynn in a letter that it accepted his offer "in principle," negotiations on details broke down.

Lawyer's trash rifled

Foremost among Flynn's complaints is the rifling of the trash inside his office compound on Union Wharf for 18 months from 1979-1981 by Scientologists to to gain information about him and his clients. The church, which contends the trash was "publicly available," has used documents it found as the basis for nine lawsuits and nine bar complaints against Flynn.

Affidavits by the four church defectors – Carol Garrity, Ford Schwartz, Jane Peterson and Warren Friske – allege that church members have conducted numerous acts of harassment against Flynn for the ultimate purpose of undermining him and his cases. Included in the affidavits were assertions that, in addition to rifling his trash, church members had:

- Contacted some of Flynn's non-church clients and told them that he had cheated them out of money.
- Telephoned the Internal Revenue Service with false financial information about him, hoping to spur a tax probe.
- Monitored Flynn's activities closely by watching and photographing visitors to his office and by calling his bank regularly to determine how much money he had deposited in his account, the number of which had been found in his trash.
- Tried repeatedly to plant operatives in his office.

The church refused to be interviewed by The Globe concerning these allegations, saying through its Boston lawyer, Harvey A. Silverglate, that the matter was under investigation.

According to the affidavit from Friske, who said he was heavily involved in anti-Flynn activity until he left the church last year, the church's Boston mission coordinated its campaign against Flynn with national church headquarters in Los Angeles. He said the Boston organization "conducted almost daily operations against him for a period of almost 2½ years, since he first became involved in litigation ...."

"In connection with some of these operations," Friske said, "hundreds of telephone calls were made to many people ... some of which were of an investigatory nature, and many of which were to discredit and harass him [Flynn]."

In a sworn deposition taken by Flynn last December, Kevin Tighe said he was the Boston church member who took most of the trash from Flynn's office dumpster. In the deposition, Tighe said almost daily reports on Flynn's activities would be prepared after culling through his trash. The reports would then be sent to the church's national headquarters.

Bar complaints filed

In April 1982, US District Court Judge W. Arthur Garrity Jr. ordered the church to return all the papers and documents taken from Flynn's trash. The next month, Silverglate filed a notice with the court stating the church had complied and returned to Flynn about 20,000 pages of documents and pieces of paper.

What the church did not turn over to Flynn were partial transcriptions of 60 or so of the typewriter ribbons and cartridges that had been discarded into the dumpster by Flynn's office. Silverglate argued that some of the transcriptions contained notes made by church members, and that they were, therefore, "work product" protected from discovery by Flynn. Garrity is now in possession of the transcripts, pending a ruling on Flynn's request that he be given access to them.

Another former Scientologist who has filed an affidavit concerning activities against Flynn is Jane Peterson, a member of the church's Las Vegas mission from 1975-1980. In her affidavit, she said she observed operations being planned to infiltrate Flynn's law office and said the church's express goal was "... to get Michael Flynn disbarred."

Flynn says the church and its attorney have filed nine complaints with the state Board of Bar Overseers, which monitors the conduct of lawyers in the state. Reading from the various complaints, Flynn said they alleged a range of misconduct including: solicitation of

Lawyer, Scientology battle

clients, engaging in "religious bigotry," engaging in threats against the church and its members, and failing to list on his bar application that he once committed a traffic violation for not stopping at a stop sign.

One of the more serious complaints concerned Flynn's formation of a company called Flynn Associates Management Corp. (FAMCO). Silverglate alleged in an August 1981 bar complaint that Flynn began FAMCO to raise money through the sale of its stock to finance his Scientology litigation.

Ruling on documents

Flynn said in an interview that he chartered the company as a proposed computer venture with one of his brothers. When the venture did not materialize, Flynn said, another brother, then an investigator for his law firm, proposed reviving the firm so he could sell his investigative services on Scientology to the law firm. Flynn said he rejected the proposal in June 1981 because it would have given "the appearance of impropriety." He said no stock in FAMCO was ever issued or sold.

In referring the FAMCO complaint to the bar board, Silverglate and his partner, Nancy Gertner, wrote they had "just learned" that the church had been involved in trash-taking, and that it had gone on "without our authorization or prior knowledge."

Since the FAMCO proposal was one of the items uncovered in Flynn's trash, Silverglate and Gertner asked the board to rule if it was proper to use the documents as a basis for a bar complaint, or in litigation. Daniel Klubock, bar counsel for the board, said he advised Silverglate that as long as the documents were "legally obtained," they could be used.

Silverglate indicated his reading of the law was that it is legal to take trash left out in public for collection. But Flynn argues that it constitutes trespassing, larceny and invasion of privacy to take trash if the receptacle is on private property and is privately disposed of, as at Union Wharf.

Flynn said Silverglate had personally filed five of the nine complaints against him. Silverglate refused to discuss them, noting that the proceedings of the Bar Board are confidential. However, he said he would be interviewed about the complaints if Flynn gave him a written waiver to do so. Flynn declined, but did provide such a waiver so bar counsel Klubock could discuss the matter.

Klubock said the church allegations of misconduct against Flynn had been dismissed, while Silverglate's have been consolidated into one "grievance," pending a determination of whether it should be upgraded to a full-fledged complaint that would be reviewed by the Bar itself.

Defector wanted money returned

Flynn, a resident of Boxford, is a 38-year old graduate of Holy Cross and Suffolk Law School, and a former associate in the Boston law firm of Bingham, Dana & Gould. Married with three children, he is also a pilot who owns his own twin-engine plane.

Flynn began his Scientology litigation in mid-1979 after a church defector, LaVenda Van Schaick, then of Somerville, requested he file suit to recover the $12,800 she said she had donated to the church. Several months later, nine high church officials were convicted in connection with a scheme to infiltrate and break into several federal agencies in Washington that were investigating Scientology.

Fortuitously for Flynn, the Justice Department made public some 30,000 documents it had seized from the church, which formed the basis of the prosecution. Flynn said the documents, which in part detailed the church's plans and programs to attack its critics, confirmed for him his suspicions that he was a similar target of the Scientologists. Shortly after photocopying all of the documents, Flynn filed a $200 million class-action suit against the church on behalf of Van Schaick and other "victims" of the church. (The counts containing the class action claims were later dismissed by Garrity).

Coming at a time when the church was receiving bad press because of the conviction of nine of its officials, Flynn's suit attracted the attention of many Scientology defectors.

In his fourth year of litigation against the church, Flynn has become the principal source of anti-Scientology information and documents in the country.

He has also served as a contact for law enforcement officials. He cooperated with authorities in Toronto, who in March of this year raided church headquarters in that city and seized a truckload of documents as part of an investigation of alleged consumer and tax fraud. Flynn is also cooperating with pending criminal investigations of the church in Florida and Arizona.

In the DeWolf case in California, the church notes Flynn is seeking to protect Hubbard's assets, while in other suits he is trying to seize them.

"You can't have it both ways," Heber Jentzsch, president of the Church of Scientology International, said in a recent interview. "Flynn is a man who's given new definition to the word shyster . . . The man is unconscionable. We don't pay extortionists . . . We'll outlast him by far . . . You don't criticize a man's religion in this country and get away with it."

Responds Flynn: "They try to portray me as the ambulance chasing, money-grubbing attorney. It's a bunch of garbage. My office is out more than $350,000 . . . I represent regular people pursuing a group that can only be compared to the Nazis. The scope of this thing is staggering. I used to be a normal guy, but litigating against this cult has made me very careful."

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Steve Miller	:	
vs	:	No. 81-4275-FW
Kevin M. Flynn, et al.	:	

DEPOSITION OF KEVIN M. FLYNN, taken on behalf of the Plaintiff pursuant to notice under the Federal Rules of Civil Procedure, before Jocelyn S. Harhay, a Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, commencing at 11:00 a.m., on Tuesday, April 13, 1982.

Q And then you paid some expenses, and you paid some individuals for the services provided to Mr. Miller, correct?
A Correct.
Q And were those individuals paid by check out of the F.A.M.C.O. account?
A Correct.
Q And where are those records of that account at this time?
A Probably in my office.
Q Would you be so kind as to provide the records of the account in this deposition tomorrow?
A Sure.
Q Did F.A.M.C.O. have numerous transactions -- strike that. When did F.A.M.C.O. come into existence -- we should start there -- approximately?
A October maybe of 1980. Maybe September.
Q Since its beginning in October or September of 1980 until now --
A Huhm, huhm.
Q -- has F.A.M.C.O. had a number of clients?
A Yes.
Q Can you estimate the number of clients?
A Three.
Q One being Mr. Miller, correct?

PENGAD CO., BAYONNE, N.J. 07002 - FORM P-320

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

STEVE MILLER,	:	
Plaintiff,	:	
-against-	:	Civil Action No. 81 4275-FW
KEVIN M. FLYNN, FLYNN ASSOCIATES MANAGEMENT CORPORATION, MICHAEL FLYNN, JOSEPH FLANNIGAN, LEV FEDYNIAK, PAT OSLER, JOHN G. CLARK, JR., M.D., BOSTON DEVELOPMENT INSTITUTE, EDWARD WALTERS, JACK CHANCELLOR, PAULETTE COOPER and BRUCE HOENIG,	:	
Defendants.	:	

Deposition of JOSEPH M. FLANAGAN, taken by the Plaintiff, pursuant to notice, at 42 West 44th Street, New York, New York 10036, on Thursday, April 22, 1982, at 10:00 o'clock in the forenoon, before William Davis, a Certified Shorthand Reporter and a Notary Public within and for the State of New York.

NEWROCK REPORTING SERVICE
WILLIAM NEWROCK, CSR
36 West 44th Street
New York, N.Y. 10036
(212) 840-1891

going back and forth between yourself and Kevin Flynn?

A I don't, I don't recall anything, no.

Q Is it a fair statement to say that with the exception of these meetings, most of your contact with Kevin Flynn is done via the telephone?

A That would be fair.

Q And since you first became acquainted wit Kevin Flynn, can you estimate the amount of telephone contact you have had with him?

Is it on a weekly basis, a monthly basis? What is your best estimate?

A Maybe about 30 times.

Calling Boston is expensive, so I try to keep th to a minimum.

Q Did Kevin Flynn pay you directly for your services in the Steve Miller deprogramming?

A He paid -- reviewing the records there, when he has paid me he has always paid me by check, so, yes, he would havepaid me directly.

Q What I am asking is whether you received your payment from Kevin as opposed to from some other person.

A Oh, no, it would have been from Kevin.

Q Have you ever received payment for

deprogramming services directly from the family or was it always through Kevin?

A You know, from families and from Kevin.

MR. LEVINE: Well, wait. I think your question is a little unclear.

First of all, the question itself assumes that every deprogramming he has ever done he has done with Kevin.

You are talking about those situations where he is involved with Kevin in a deprogramming situation, does he always receive payment from Kevin.

MR. RANDOLPH: Of course

Q If Kevin isn't involved in a situation I assume you don't receive payment from him.

A Correct.

I was a little confused about that myself.

Could I add something else?

Q Yes.

A There was one situation where I was not paid directly by Kevin, Tarraba. The boy's name was Eddie Tarraba.

Q That was a situation in which Kevin Flynn was involved, but nonetheless you were not paid by

Kevin Flynn; is that correct?

A That's correct.

Q Is that the only one that falls in that category that you can recall?

A That would be the only one.

Q Generally if Kevin isn't involved, then he has no place in the chain of passage of money, correct?

A Correct.

Q And if he is involved, then he is generally the one who disburses the money; is that correct?

A That's correct.

Q And can you estimate the number of times you have been paid by Kevin Flynn for deprogramming associated activities?

MR. LEVINE: Let me confer with him for a moment.

(Consultation between the witness and Mr. Levine.)

Q Have you had an opportunity to confer with your counsel?

A Oh, yes.

Q All right.

I know that I have written up some either quick statements or taken time to write out statements. If I can track it down I can get copies for you.

Q I was going to ask for copies.

A Yes. The overwhelming number of them, I would just type it up and that was that.

Q And would you make a copy?

A If I could get to a library to photostat or something like that.

Q And you will look at your records to see if you have any of those?

A Yes.

Q In the Miller case did you present written statements of your expenses to Kevin Flynn?

A I am not sure. I think Kevin, Kevin was handling the money on that and he covered most of the expenses, but I think I did have expenses above and beyond and I may have written up a statement. In something like that it strikes me that I wold have kept a copy since we were sort of dealing with a third party.

Q Do you have any recollection of having done so?

A No, but I could certainly check that out for you.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Steve Miller	:	
vs	:	No. 81-4275-FW
Kevin M. Flynn, et al.	:	

DEPOSITION OF KEVIN M. FLYNN, taken on behalf of the Plaintiff pursuant to notice under the Federal Rules of Civil Procedure, before Jocelyn S. Harhay, a Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, commencing at 11:00 a.m., on Tuesday, April 13, 1982.

A Bear, Cole, and Miller.

Q Have there been any clients since then for F.A.M.C.O.?

A No.

Q And these were the first three and the only three, correct?

A Yes.

Q Have you ever used anyone else besides Joe Flannigan in a similar capacity as you used Joe Flannigan in these three instances?

A I used a number of former members, you know, to talk to people if -- or it wasn't necessarily people -- well, let me answer that it's sort of a broad answer. The answer is yes.

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Q And when I say in a similar capacity, had you made arrangements for former members to go and have conversations with current scientologists?

MR. LEVINE: You mean current at the time the discussions were made?

MR. RANDOLPH: Yes, of course.

A Yes.

Q Now, F.A.M.C.O. has never paid others besides Joe Flannigan, is that correct?

A No, that's incorrect.

Q F.A.M.C.O. has paid others besides Joe Flannigan?

PARSAD CO., BAYONNE, N.J. 07002 - FORM N. 240

A Right.
Q In the Bear and Cole matters, did F.A.M.C.O. pay anyone else besides Joe Flannigan?
A Maybe -- let me see. In Bear it may have paid Pat Osler. I'll have to go back and look at it. I just don't remember.
Q Well, you indicated earlier that to the best of your knowledge in Bear Joey Flannigan acted alone. Is there a possibility that Pat Osler assisted him in Bear?
A That's true. He may have assisted him. Again, I'm not sure. I'd have to check.
Q And by checking in the checkbook, that would determine whether he, Osler, got a check; right?
A Right.
Q If Osler got a check around the time of Bear, that would lead you to believe that he worked in the Bear case; right?
A Right.
Q Do you have a checkbook in which to the left-hand side you make a notation as to what the check's being written for?
A Yes.
Q I assume you would indicate that the check was being written, and it was to come out of the funds that Bear

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Steve Miller	:	
vs	:	No. 81-4275-FW
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DEPOSITION OF KEVIN M. FLYNN, taken on behalf of the Plaintiff pursuant to notice under the Federal Rules of Civil Procedure, before Jocelyn S. Harhay, a Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, commencing at 11:00 a.m., on Tuesday, April 13, 1982.

A I would say that Bernard Miller probably used the word "deprogramming." And my answer would have been -- I'm sure I would have said that I had not been involved in deprogrammings.

Q Do you recall saying that to him, or are you just guessing, Mr. Flynn?

A I'm not certain. That's why I said, "I would have said," because I'm not certain.

Q All right. Were you meeting with Mr. Miller in the auspices of Kevin Flynn or in the auspices of Flynn Associates Management Corporation or in the auspices of Investigator or Michael Flynn? 36

Will you please determine what fashion you presented yourself to Mr. Miller?

A I think I myself and the Flynn Associates Management Corporation.

Q Just for brevity, can we refer to that here as F.A.M.C.O.?

A F.A.M.C.O.

Q Is that corporation still in existence?

A Yes.

Q When Mr. Miller paid you for your services, did he pay you by cash or by check?

A Check.

THE Times
PEABODY EDITION
Wednesday, August 24, 1983 48 pages 25 cents Peabody, Mass.
Sunny, 70s
Details, page A9

Waging war with Scientology

By JANET D'AGOSTINO
Times staff

Lawyer Michael Flynn of Boxford says the Church of Scientology is a front for a fascist organization. Scientologists claim he is an opportunist and a fortune hunter.

Flynn, who practices in Boston, and church officials have been sparring in courthouses across the country for the past four years. But the struggle has become a battle of name-calling as well as lawsuits.

"I'm No. 1 on their enemy list," said Flynn, who represents 32 former Scientologists throughout the United States accusing the church of kidnapping, extortion and larceny, among other charges. One of Flynn's clients is the estranged son of the church's founder, who dropped out of sight two years ago.

Flynn said the church is waging a "black campaign" to destroy his career and to frighten him into backing away from the litigation. The Scientologists counter that Flynn is waging a propaganda campaign to discredit the church.

Both Flynn and the church have filed numerous lawsuits in courts thoughout the country. Both sides claim to be winning the battles, if not the war.

In the most recent case last week, the church filed a libel suit against Flynn in U.S. District Court in Boston, accusing him of telling lies to a newspaper reporter in Clearwater, Fla., where he coordinated hearings on the group's activities.

The church is seeking damages in excess of $20,000. But a press release given to the Times by the Church of Scientology of Boston said this is "merely a procedural amount" and that the "actual amount awarded," if the church wins the suit, could be more than 50 times that figure.

Flynn said this is only one of a dozen lawsuits to be filed against him in different cities throughout the country, and one more attempt to besmirch his name. Nine suits, he said, have been dismissed so far.



Michael Flynn: Enemy No. 1

"This suit will be dismissed, too," said Flynn, who is a graduate of Holy Cross College and Suffolk University Law School.

Church officials don't agree.

"Michael Flynn has a habit of making false and outrageous statements concerning the church and is now going to be confronted with them in a court of law," said Roger Geller, attorney for the Scientologists. "Since he is an attorney engaged in massive litigation against Scientology, one would expect Flynn to base his remarks on facts. Instead he has once more indulged in wholesale fabrications."

Flynn, who has been interviewed by several news shows, magazines and newspapers about the Church of Scientology, doesn't usually consent to an interview every time a libel suit is filed against him.

"This is so close to home that I am taking the time for interviews," said Flynn, 38, from his law office on Union Wharf this week.

Flynn, page A10

• Flynn fights Scientology

Continued from page 1

Flynn is about to file his own lawsuit against church founder L. Ron Hubbard to seek damages for a conspiracy he said is being fought against him. He charges that from 1979 to 1981 that conspiracy included bomb and letter threats to his law office, harrassment of his clients and rifling of his trash.

At one time, he feared for his own life and was protected by bodyguards around the clock while he coordinated the hearings in Florida.

"I'm not afraid anymore because my profile is too high," he said. But when asked if he still carried a gun, Flynn pulled a .357 Magnum revolver from his desk drawer.

Flynn claims that Scientology is not a religion but a front for an organization whose goal is to gather large amounts of money and information that can be used against individuals.

Scientology was founded in 1954 by L. Ron Hubbard, a science fiction writer turned religious leader. A member of the Church of Scientology in Boston described Hubbard's philosophy as an organized body of scientific research and knowledge about life and the mind. It includes the practice of improving the intelligence and conduct of persons.

This is done by the use of engrams — mental images or pictures which are memories of physical and emotional pain — during confessions or auditing sessions, said the spokeswoman.

Auditing sessions often make use of an e-meter, described as a "religious artifact" resembling a metal lunch box with a dial and several knobs. Two wires coming out of the box lead to two tin cans which are held in the hands of the confessor. The e-meter helps locate areas of distress, but can only be used by people trained to read them.

Commercials for Hubbard's book, "Dianetics," can still be heard on Boston radio stations and sound like ads for any other self-help book.

Flynn said scientologists work on fear and ignorance and prey on the weak and unstable. The church is actually a front for the largest, private espionage organization in the country whose ultimate goal is to infiltrate the government, he said.

"They are vicious, intimidating, Nazis," said Flynn "It's hard for people to believe, but even this is only the tip of the iceberg."

Flynn believes the church is so pervasive that he said he doesn't bother to obtain an unlisted phone number for his home at 72 High Ridge Road because, "they would know the unlisted number before I did."

Although he has received threats at his office, Flynn said his wife, Laima, and three children have not been threatened.

The church was ordered to turn over any documents they took from Flynn's trash in April 1982, by U. S. District Court Judge James Garrity Jr.

Flynn's battle with the Scientologists started in the summer of 1979 when a young woman from Somerville, LaVenda Van Schaick, came to his office claiming she was a former member of an organization that was infiltrating the government through a private espionage organization.

"I hired a private investigator and found the allegations were true," said Flynn.

It was several months after he filed a suit for Ms Van Schaick, in an effort to recover $12,800 she said she had donated to the church, that nine Scientology officials were convicted of involvement with a plan to infiltrate and enter federal agencies in Washington that were investigating the church. Two more church officials, including Hubbard's third wife, were later convicted and are now in jail.

Documents released publicly by the U.S. Justice Department helped form the basis of Flynn's case for Ms. Van Schaick, which is still pending.

Flynn now confers with 30 other lawyers throughout the country representing Scientology defectors. Some of the 22 lawsuits filed by Flynn have come to court, but he said none have been dismissed and that he has won every major motion thus far.

Of the "black campaign," Flynn said the church has not uncovered any skeletons in his closet.

"In four years they've only found a stop-sign violation," he said.

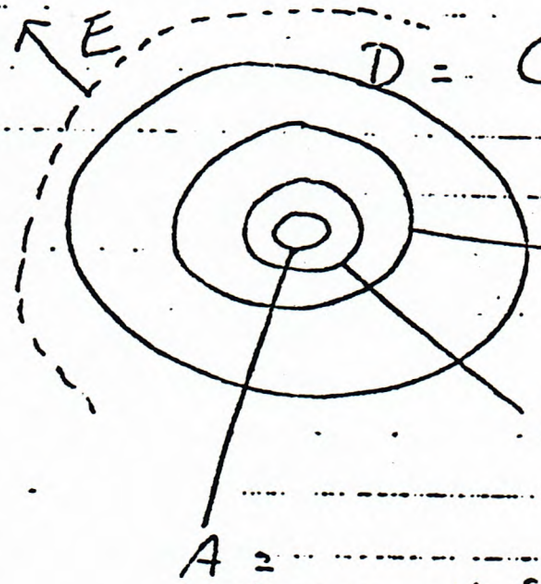
Feb 15, 1981

25

38

Cases yet to be evaluated for merit.

Formula.



Level D = 50 cases - apply formula

Level C = ___ cases in ___ States that could be settled.

Level B = ___ cases in ___ States that must be tried.

Level A = ___ cases in ___ states not yet filed, of highest priority, must be tried.

#103-A

39

JONATHAN LUBELL
COHN, GLICKSTEIN, LURIE,
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(212) 757-4000

Attorneys for Plaintiff
Church of Scientology of California

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AUG 4 2 46 PM '83
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CENTRAL DIST. OF CALIF.
BY _____

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CLERK U.S. DIST. COURT
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BY _____

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff, v. MICHAEL J. FLYNN, Defendant.	Civil No. 83 5052 R COMPLAINT FOR DAMAGES oOo JURY DEMAND

Plaintiff, by its attorneys Cohn, Glickstein, Lurie, Ostrin, Lubell and Lubell, as and for its complaint against Defendant, alleges as follows:

I.

JURISDICTION AND PARTIES

1. This Court has jurisdiction of the within actions under the provisions of 28 U.S.C. Section 1332. The matter in

controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars $10,000.00.

2. Plaintiff Church of Scientology of California (hereinafter CSC) is a not for profit religious corporation duly organized under the laws of California with its principal place of business in the County of Los Angeles, State of California.

3. Upon information and belief, Defendant Michael Flynn (hereinafter "Flynn") is a resident of the Commonwealth of Massachusetts.

4. At all times herein mentioned, Plaintiff has been and still is engaged in the dissemination and advancement of the religious beliefs of Scientology, a religion founded by L. Ron Hubbard, whose writings and teachings formed the basis of the religion. In 1979, CSC was the ecclesiastical "Mother Church" of many Churches then organized throughout the United States for the purpose of advancing and maintaining the religious doctrines, tenets and practices of Scientology.

JURY DEMAND

5. Plaintiff demands trial by jury as to this entire action.

CAUSE OF ACTION

(Defamation)

6. On June 25, 1983, Flynn spoke to a gathering of persons in Los Angeles, California (hereinafter "speech") upon

information and belief, said gathering consisted of more than eighty people.

7. During the said speech, Flynn uttered the following words:

"Among the things that occurred to me in the four years that I have been litigating with an enormous organization that has a few people that control huge amounts of money, to hire armies of lawyers to try to destroy me and my clients and whether you know it or not yet, people like yourself, is what the whole war and game and battle is about.

In October 1979, shortly after I rejected an offer from the Church of Scientology that is to say whoever that is to get a refund for a client which I'm going to explain to you a little bit about, I was flying up to South Bend, Indiana and my airplane engine quit after an hour and a half in the flight, and for those of you who are pilots, you know that any degree of condensation you pick up on a pre flight examination from your fuel tanks. Well I was an hour and a half into the flight and we lost power entirely and we made an emergency landing and my eleven year old son was in the plane, another lawyer and a college classmate of mine, a Vietnam Veteran, and we drained off quarts of water from my fuel tanks.

And as I indicated, it was shortly after I rejected an offer that I'm going to talk to you people about."

* * *

"And that's when their lawyer showed up and offered me a check for her money plus a little bit. And I told the lawyer what he could do with his check and that took place shortly before the plane incident. Now for a number of years, I dismissed the plane incident as being simply too preposterous to believe that this organization could do it."

8. Upon information and belief, by the aforesaid statement alleged in paragraph 6 above, Flynn intended to convey and did convey to the audience the defamatory meaning that the Church of Scientology had attempted to murder him in October, 1979, by putting water in the gas tanks of his airplane.

9. Upon information and belief, the audience that heard Flynn's statement at the meeting or in any recording of that speech understood said statement to mean that the Church of Scientology had attempted to murder him in October, 1979, by putting water in the gas tanks of his airplane.

10. The meaning of said statement to a reasonable person was that the Church of Scientology had attempted to murder Flynn in October, 1979, by putting water in the gas tanks of his airplane.

11. Upon information and belief, the aforesaid false and defamatory statement, referring to the Church of Scientology, was intended by Flynn and understood by the listening public to be of and concerning Plaintiff, who was in 1979 the "Mother Church" and identified by Flynn in various documents and statements as the Church entity responsible for alleged actions against Church critics and adversaries.

12. By the aforesaid statement, Flynn charged Plaintiff with the commission of serious criminal conduct.

13. Upon information and belief, at the time of the aforesaid statement, Flynn knew it to be false and made it intentionally and recklessly for the purpose of damaging Plaintiff.

14. Upon information and belief, Flynn made the aforementioned defamatory statement with reckless disregard as to the truth or falsity of it and of its meaning to the listening audience.

15. Upon information and belief, Flynn made the aforesaid defamatory statement knowing that he did not know whether it was true.

16. By reason of the aforesaid acts and omissions of Defendant, Plaintiff has sustained serious actual damages, including but not limited to the following:

a. Plaintiffs' reputation has been grievously injured.

b. Plaintiffs' ability to conduct religious affairs to advance and disseminate the principles and practices of Scientology have necessarily been substantially impaired.

c. Plaintiff has received, after the said speech, from persons who heard the speech, requests for repayments of monies advanced to Plaintiff and for refunds from Plaintiff totalling in excess of $10,000.

d. Plaintiff has incurred and will continue to incur expenses, in an amount which cannot at this time be fully determined, to correct Defendant's defamatory statements.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of $1,000,000 as actual damages, including no less than $10,000 of special damages, and in the amount of $1,000,000 as exemplary damages, together with the costs and disbursements of this action, including fair and reasonable allowances for counsel fees and other lawful expenses.

DATED: August 4, 1983

COHN, GLICKSTEIN, LURIE,
OSTRIN, LUBELL & LUBELL

By Jonathan W. Lubell
JONATHAN LUBELL
Attorneys for Plaintiff
Church of Scientology of
California

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing COMPLAINT FOR DAMAGES and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☒ an Officer ☐ a partner _____ ☐ a _____ of Church of Scientology of California a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on August 4, 1983 at Los Angeles California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

x Howard A. Weathers
Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____

on _____ 19___.

_____
Signature

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On _____ 19___, I served the foregoing document described as _____

_____

_____ on _____

in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at: _____

addressed as follows:

☐ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at _____, California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on _____ 19___ at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

_____
Signature

STUART'S EXECBOOK TIMESAVER (REVISED 7/81)
•May be used in California State or Federal Courts)

JS 44C
(Rev. 11/82)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (For more detailed instructions, see separate instruction sheet.)

PLAINTIFFS	DEFENDANTS
CHURCH OF SCIENTOLOGY OF CALIFORNIA	MICHAEL J. FLYNN
COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Los Angeles (EXCEPT IN U.S. PLAINTIFF CASES)	COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Essex (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) JONATHAN LUBELL (212) 757-4000 COHN, GLICKSTEIN, LURIE, OSTRIN, LUBELL & LUBELL 1370 Avenue of the Americas New York, NY 10019	ATTORNEYS (IF KNOWN)

(PLACE AN ☒ IN ONE BOX ONLY) **BASIS OF JURISDICTION**

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP ON REVERSE. (28 USC 1332, 1441)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DEFAMATION -- DIVERSITY OF CITIZENSHIP

(PLACE AN ☒ IN ONE BOX ONLY) **NATURE OF SUIT**

CONTRACT
- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY

REAL PROPERTY
- ☐ 210 CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

TORTS

PERSONAL INJURY
- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☒ 320 ASSAULT, LIBEL & SLANDER
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- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☐ 360 OTHER PERSONAL INJURY
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- ☐ 365 PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY
- ☐ 370 OTHER FRAUD
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- ☐ 441 VOTING
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(PLACE AN ☒ IN ONE BOX ONLY) **ORIGIN**

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

UNITED STATES DISTRICT COURT

(Continued on Reverse Side)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 83-2386-[illegible] 40

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Plaintiff	COMPLAINT
V.	PLAINTIFF DEMANDS A TRIAL BY JURY
MICHAEL J. FLYNN, Defendant	

Plaintiff, by its attorneys, GELLER & WEINBERG and COHN, GLICKSTEIN, LURIE, OSTRIN, LUBELL & LUBELL, as and for its complaint against defendant, alleges as follows:

JURISDICTION AND PARTIES

1. This Court has jurisdiction of the within action under the provisions of 28 U.S.C. §1332. The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand ($10,000.00) Dollars.

2. Plaintiff CHURCH OF SCIENTOLOGY OF CALIFORNIA, (hereinafter "CSC") is a not-for-profit religious corporation duly organized under the laws of California with a principal office and activities

in the County of Los Angeles, State of California.

3. Upon information and belief, defendant MICHAEL FLYNN (hereinafter "FLYNN") is a resident and citizen of the Commonwealth of Massachusetts.

4. At all times herein mentioned, plaintiff has been and still is engaged in the dissemination and advancement of the religious beliefs of Scientology, a religion founded by L. Ron Hubbard, whose writings and teachings form the basis of the religion. CSC is known in the area of Clearwater, Florida as the Church of Scientology and is also regarded as the Church organization engaged in various litigations in that area.

CAUSE OF ACTION

5. Upon information and belief, prior to November 20, 1982, FLYNN stated to a representative of the Clearwater Times that the Church of Scientology had infiltrated the offices of the Volusia County, Florida court system, interfered with the United States mail, and intercepted and stole checks he had mailed to the Court in Volusia.

6. Upon information and belief, at the time FLYNN made said statements he intended them to be published in the Clearwater Times and to be circulated in the Clearwater, Flordia area and he made said statements for those specific purposes.

7. Upon information and belief, FLYNN made said statements well knowing that they would be published by the Clearwater Times and circulated in the Clearwater, Florida area.

8. Upon information and belief, at the time FLYNN made such statements it was reasonably foreseeable that said statements would be published in the Clearwater Times and circulated in the Clearwater, Florida area.

9. By reason of the aforesaid false statements made to the representaive of the Clearwater Times, FLYNN caused to be published in the issue of said Clearwater Times of November 20, 1962, the statements:

> Michael Flynn, Clearwater's consultant on the Church of Scientoloty, contended Friday that Scientologists have infiltrated the Volusia County court system and stolen two checks that he sent to appeal a court decision here.

* * *

> Speaking from his Boston office, lawyer Flynn said he mailed two checks, one for $50 and another for $10, to Volusia, and claimed that he even has the bank records to prove it.
>
> "Someone at that end infiltrated the courthouse and intercepted the mailed check," he said. "Someone like a Scientologist."
>
> The filing fee is very important, Flynn said, because it assures him the right to appeal the contempt order.
>
> "It's ridiculous to think I wouldn't pay a $60 filing fee," the Boston lawyer continued, adding that he has several deposits at the First National Bank of Boston and plenty of money in them.
>
> "If you check into this in depth, you'll find that something's afoot in Volusia County," Flynn went on. He has noted before that Durden and Scientology attorneys are "longtime friends."

10. By the aforesaid statements set forth in paragraphs 5 and 9 above, FLYNN conveyed and caused to be conveyed and the public understood the statements to convey the false and defamatory meaning that plaintiff, through its members, had improperly and corruptly become involved in the judicial system, had wrongfully interfered with the U.S. mails and had stolen from the U.S. Mails and the Courthouse.

11. By the aforesaid statements, plaintiff was accused of committing or causing to be committed serious crimes and of acting in a wrongful manner incompatible with the standards of a religious organization.

12. Upon information and belief, the aforesaid false and defamatory statements, referring to Scientology, Scientologists and the Church of Scientology were intended by FLYNN and understood by the public to be of and concerning the plaintiff.

13. Upon information and belief, at the time of his statements to the Clearwater Times and at the time of their publication in the said Clearwater Times, FLYNN knew that the aforesaid statements were false insofar as they stated and/or implied that plaintiff had infiltrated the offices of the Volusia County court system, interfered with the United States mail and intercepted and stole checks he had mailed to the Court in Volusia, and he made them intentionally and recklessly for the purpose of damaging plaintiff.

14. Upon information and belief, FLYNN made the aforesaid defamatory statements to the Clearwater Times with reckless disregard as to the truth or falsity of those statements insofar as they stated and/or implied that plaintiff had infiltrated the offices of the Volusia County court system, interfered with the United States mail and intercepted and stole checks he had mailed to the Court in Volusia.

15. By reason of the aforesaid acts and omissions of FLYNN, plaintiff has sustained serious actual damages including but not limited to the following:

(a) Plaintiff's reputation has been grievously injured in the state of Florida and in other places.

(b) Plaintiff's reputation and standing in the court system in the State of Florida and among those responsible for the administration of that system has been seriously damaged.

(c) Plaintiff has incurred and will continue to incur expenses, in an amount which cannot at this time be fully determined, to correct defendant's defamatory statements contained in the said Clearwater Times' article.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of $10,000.00 as actual damages, and in an amount in excess of $10,000.00 as exemplary damages, together with the costs and disbursements of this action, including fair and reasonable allowances for counsel fees and other lawful expenses.

GELLER & WEINBERG

By: _____
A Member of the Firm

Attorneys for Plaintiff
100 Boylston Street, Suite 900
Boston, Massachusetts 02116

COHN, GLICKSTEIN, LURIE, OSTRIN,
LUBELL & LUBELL

BY: Jonathan Lubell (RG)
A Member of the Firm

Attorneys for the Plaintiff
1370 Avenue of the Americas
New York, New York 10019

Volusia court infiltrated, Flynn contends

Clearwater Times Staff Writer

CLEARWATER — Michael Flynn, Clearwater's consultant on the Church of Scientology, contended Friday that Scientologists have infiltrated the Volusia County court system and stolen two checks that he sent to appeal a court decision there.

Church spokesman Hugh Wilhere responded to the accusation, saying: "C'mon. You got to be kidding."

Volusia County is where a circuit court judge ruled in August that Flynn was in indirect criminal contempt when he tried to quash a subpoena issued this past spring by lawyers for the Church of Scientology.

At the time, Flynn said he planned to appeal Judge J. Robert Durden's decision. To enter an appeal, one must pay a filing fee.

But the check Flynn sent apparently was "dishonored," and the Fifth District Court of Appeal recently ordered Flynn to show why he should not be held in contempt of court for failing to do anything about it.

Speaking from his Boston office, lawyer Flynn said he mailed two checks, one for $50 and another for $10, to Volusia, and claimed that he even has the bank records to prove it.

"Someone at that end infiltrated the courthouse and intercepted the mailed check," he said. "Someone like a Scientologist."

The filing fee is very important, Flynn said, because it assures him the right to appeal the contempt order.

"It's ridiculous to think I wouldn't pay a $60 filing fee," the Boston lawyer continued, adding that he has several deposits at the First National Bank of Boston and plenty of money in them.

"If you check into this in depth, you'll find that something's afoot in Volusia County," Flynn went on. He has noted before that Durden and Scientology attorneys are "longtime friends."

The clerk for the Fifth District Court of Appeal in Volusia could not be reached to see if he has heard anything about Scientology infiltrators.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT
CIVIL ACTION NO. 76-3136

SHAWMUT COUNTY BANK, N.A.,
Plaintiff

VS

MORDECHAI BEN-HARUSCH AND
MICHAEL J. FLYNN,
Defendants

AFFIDAVIT OF
CHARLES W. CRAVEN
VICE PRESIDENT
SHAWMUT COUNTY
BANK, N.A.

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1. My name is Charles Craven and I am Vice President and branch manager of the Winchester Branch of the Shawmut County Bank, N.A. (hereinafter "Bank")

2. On or about March 12, 1976 I was on duty at the Winchester branch of the Bank. I was presented a check drawn on the Middlesex Bank, N.A. on the account of defendant Michael J. Flynn (hereinafter "Check") (a copy of which is attached to Plaintiff's Complaint) by defendant Mordechai Ben-Haruach (hereinafter ("Haruach"). I was asked by Haruach to cash the check. The amount of the check was $6,500.00. Haruach was given the money. Haruach was known to me because he and his estranged wife were customers of the Bank.

3. Prior to the Bank merging with the Winchester Office this particular branch was the Winchester National Bank. The Winchester National Bank had given a real estate mortgage on property located at 25 Wedgemere Avenue, Winchester

then owned by Harusch and his estranged wife, Phyllis.

4. The check was returned to the Bank for "insufficient funds."

5. I immediately contacted Harusch and explained the problem with his check, he told me to redeposit it. I also informed defendant Flynn of the fact that his check was drawn on an account which had insufficient funds.

6. After informing Flynn of his check he then advised me that he was representing Harusch's wife in a divorce proceeding. He further explained to me that he gave this check to Harusch in connection with a settlement he was arranging between Harusch and Flynn's client, Phyllis Harusch. Flynn told me that the check he gave to Harusch was his personal account not his business account. Flynn further went on to explain that he knew that he had no funds in the account to cover the check he gave to Harusch. Flynn also said that he did not date the check.

7. The check was returned a second time for insufficient funds. I once again notified both defendants.

8. I have never been informed of these facts by either defendant prior to my conversations with Flynn.

9. There is a reasonable liklihood that the bank will prevail in this matter.

10. I know of no liability insurance that would satisfy a judgment against Flynn.

Charles W. Craven, Vice President

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

Then personally appeared the aforesaid Charles W. Craven, Vice President and made oath that the foregoing statements were true to his personal knowledge, under the pains and penalties of perjury this 10th day of September, 1976.

Notary Public
My commission expires: [illegible]

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 81-681-MC

PAULETTE COOPER, Plaintiff V. CHURCH OF SCIENTOLOGY OF BOSTON, INC., et al., Defendants	AFFIDAVIT OF ROGER GELLER

43

I, Roger Geller, Esq. of 100 Boylston Street, Boston, Massachusetts, 02116, upon oath, do heareby depose and state as follows:

1. I am the attorney for the Church of Scientology of Boston, Inc. in the case of Paulette Cooper v. Church of Scientology of Boston, Inc., et al., Civil Action No. 81-681-MC, now pending in the U.S. District Court for the District of Massachusetts.

2. The plaintiff in the above-referenced action is represented by Attorneys Michael J. Flynn, Thomas Hoffman and Thomas Greene, all of 12 Union Wharf, Boston, Massachusetts, 02109.

3. Plaintiff's attorneys filed an unverified complaint in this action on or about March 9, 1981. This complaint alleged causes of action and facts which duplicated allegations in two other actions brought by the same plaintiff, already pending in federal court in California and state court in New York, against the Church of Scientology of California and the Church of Scientology of New York, respectively.

4. Plaintiff's complaint in Massachusetts was amended on April 8, 1981 to add the Church of Scientology of California as a party defendant.

5. At the same time, plaintiff's attorneys moved for a discovery schedule, alleging inter alia, that the defendant would obstruct discovery and engage in contumacious conduct. Affidavits of counsel purporting to detail patterns of harassment and delay on the part of the defendant and its sister churches were attached as exhibits in support of this request.

6. Rather than defendants engaging in delay and obfuscation, however, the history of this action demonstrates that it has been plaintiff's counsel who have obstructed discovery, failed to abide by the Federal

Rules of Civil Procedure, and engaged in a deliberate pattern of almost hysterical name-calling in an effort to prejudice the court against the defendant Churches and their attorneys.

7. This behavior has forced defendants to file some five delinquency notices and at least five motions to compel further answers to interrogatories. It has caused defendants to have to appear on four separate Motions to Compel Answers at depositions of witnesses represented by plaintiff's counsel after frivolous objections to legitimate inquiries had been interposed. It has forced defendants to move for protective orders to assure their discovery could go forward without obstruction, delay, or unnecessary costs. And it has been defendants who have had to move in court to enforce agreements made by plaintiff's counsel that they repeatedly failed to honor. On all of these above-described motions, it has been defendants who have prevailed. (For a more detailed description of plaintiff's counsels' pattern of obstruction, delay and non-compliance see generally Defendant's Memorandum in Support of Motion to Enlarge Time for Discovery and Supporting

Affidavit, filed on December 18, 1981, attached as Exhibits A and B, and Defendant's Joint Motion to Enlarge Time for Discovery, filed on February 25, 1982, attached as Exhibit C.)

8. Plaintiff's counsel have yet, as of this date, to comply with many outstanding and long overdue discovery requests. Moreover, if objections to defendants' discovery exist, none have been filed by plaintiff's counsel in court.

9. It appears to be a consistent pattern of plaintiff's counsel to state, in court or otherwise, that they intend to cooperate fully, to provide all discovery, and to move the case forward, while, in fact, they do nothing to honor these representations, thereby forcing defendants to expend needless time, energy and funds to adequately prepare their defense.

10. Examples of the non-cooperation and obstruction by plaintiff's counsel include, but are not limited to: noticing a deposition in Washington, D.C. (Joseph Varley) and then failing to notify defendants' counsel that they had agreed with the witness to put it off; refusing to provide addresses of potential wit-

nesses, thereby making them available for deposition only at plaintiff's counsels' discretion; noticing their own depositions at times when defendants have previously noticed other depositions; providing thousands of pages of documents, requested to be produced, without any specification of which documents were responsive to which requests; providing incomplete documents in response to other discovery requests; and filing frivolous motions for sanctions which were withdrawn after replies had been made.

11. Finally, during recent months, as discovery has progressed and as more depositions are taken, plaintiff's counsel have become more and more hostile, vituperative, and aggressive. It has been the recent practice of plaintiff's counsel to insult defendants, verbally attack their attorneys, and engage in haranguing diatribes against the defendants' religious beliefs and practices during depositions.

12. As the new discovery cut off date approaches, plaintiff's counsel have interposed new delaying tactics, failed to respond promptly to reasonable discovery requests, and made additional and outrageous

demands for defendants to assume more and more costs, all in an apparent effort to force defendants to trial without adequate preparation.

April 22, 1982

Roger Geller

Geller & Weinberg
100 Boylston Street
Suite 900
Boston, Mass. 02116
482-5200

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. April 22, 1982

Then appeared before me the above-named Roger Geller who made oath that the foregoing is all true to the best of his knowledge and belief.

Notary Public
My Commission Expires:
6/22/84

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UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS

CHRISTOPHER LLOYD GARRISON and ELLEN LEE GARRISON,

Plaintiffs,

-against-

JOSEPH FLANNAGAN, BARRY FLANNAGAN, FRAN FLANNAGAN, STEVEN FLANNAGAN, MARK McGREGOR, ERNEST SIMPSON, JASON VAN STEEMBURG, JOSEPH THOMAS, KEVIN FLYNN and PAULETTE COOPER,

Defendants.

AFFIDAVIT

Civil Action No. 81-2608-T

44

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

SANFORD M. KATZ, being duly sworn, deposes and says:

1. I am a member of the firm of Katz & Weinstein, P.C., attorneys for the plaintiffs in the within action, together with the firm of Bowman And Bowman, and submit this affidavit in support of the plaintiffs' motion for an Order pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure compelling the defendants JOSEPH FLANNAGAN, BARRY FLANNAGAN, FRAN FLANNAGAN and KEVIN FLYNN to submit to the taking of their depositions upon oral examination by the plaintiffs.

2. It is indeed regrettable that counsel must seek the Court's assistance in order to depose the aforementioned defendants, but their attorney's initial evasiveness in agreeing to dates when they might be deposed, and subsequent outright refusal to submit them to examination by the plaintiffs, makes the within application necessary.

3. The action at bar was commenced on October 14, 1981. The complaint charges that the defendants, as well as three named co-conspirator non-defendants, conspired to violate the plaintiffs' civil rights in contravention of 42 U.S.C. § 1985(3). It also charges various common law torts and a violation of the civil rights statute of the Commonwealth of Massachusetts.

4. None of the defendants who have been served with process have as yet filed a responsive pleading. In lieu thereof, five of the defendants - including the four defendants whose depositions are now sought to be taken - have filed motions to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. Those motions are presently scheduled to be heard by this Court on April 26, 1982.

5. On February 17, 1982, the plaintiffs served upon opposing counsel, Michael J. Flynn, Esq., a Notice for the taking of the deposition of the defendant Joseph Flannagan in Cambridge, Massachusetts, on April 6, 1982. On March 5, 1982, the plaintiffs served upon counsel a Notice for the taking of the

deposition of the defendant Kevin Flynn on April 7, 1982. On March 12, 1982, the plaintiffs served upon counsel Notices for the taking of the depositions of the defendants Barry Flannagan and Fran Flannagan at different hours on April 8, 1982. (Copies of the respective Notices are annexed hereto as Exhibits A through D, respectively).

6. Those defendants have never obtained a protective Order of any sort with respect to the discovery sought by the plaintiffs, although the defendant Joseph Flannagan successfully obtained such Order on January 23, 1982, with respect to the plaintiffs' taking of the deposition of a nonparty witness, Richard L. Bast.[1/]

7. In a letter to my partner, Charlene M. Weinstein, dated March 19, 1982, counsel for the defendants recited that he would be in Los Angeles, California, on April 5 and 6, 1982, for an appearance in court, and thereafter for attendance at a deposition in an unrelated case, and did not expect to return to Boston prior to April 8, 1982. He thereupon suggested that the depositions of the four defendants in the case at bar be adjourned to mid-May, offering no reason for such protracted continuance. (A copy of this letter is annexed hereto as Exhibit E).

[1/] The plaintiffs' motion to vacate that protective Order, granted inadvertently by default, is still pending.

8. Shortly after receiving that letter, my partner received a telephone call from Thomas G. Hoffman, Esq., presumably an associate of Mr. Flynn, but not an attorney of record for any of the defendants, who informed her that because of Mr. Flynn's required attendance at certain legislative hearings to be held in Clearwater, Florida, commencing on April 13, 1982, otherwise unspecified regarding duration, the depositions in the case at bar could not be held at any time in April, 1982.

9. In a letter dated March 24, 1982, Mr. Hoffman reiterated that the depositions of the defendants could not be held during the first week of April "due to previous commitments in Los Angeles" that week, and that they could not be held the last three weeks of this month "due to commitments" in Florida, presumably referring to the legislative hearings in Clearwater. (A copy of this letter is annexed hereto as Exhibit F).

10. Because of the extended notice given opposing counsel of the taking of the depositions (extending from three weeks to nearly two months), Messrs. Flynn and Hoffman's refusal to explain with any specificity whatever why an adjournment of more than a month was necessary, and their past history of simply failing to appear at scheduled depositions in cases involving the Church of Scientology, my firm agreed to consent to an adjournment of the depositions only until April 13 through 15, 1982, unless Mr. Flynn provided us with specific information

pertaining to his attendance at the aforesaid hearings in Clearwater, Florida. We so advised Mr. Flynn in a letter dated March 24, 1982. (A copy of this letter is annexed hereto as Exhibit G).

11. On April 1, 1982, Mr. Flynn cavalierly informed us that neither he nor the defendants would appear for their scheduled depositions, offering no additional explanation therefor, and requested that we provide him with dates in May so that he might consult with his clients about their availability. (A copy of this letter is annexed hereto as Exhibit H).

12. I have since learned that the ostensible "prior" engagements that ostensibly rendered Mr. Flynn unavailable on the dates first noticed for the taking of the defendants' depositions in the case at bar on April 6 through 8, 1982 - namely, a court appearance in Los Angeles on April 5, 1982, in Garrity v. Church of Scientology of California, and attendance at a deposition in that city on April 5 and 6, 1982, in an unspecified case - never came to pass. (Exhibits E & F). More importantly, Mr. Flynn clearly knew prior to April 5, 1982, that he would not be in Los Angeles, California, on the aforementioned dates, yet he did not inform my firm of that fact, nor did he announce his presumed availability to conduct depositions in Boston on April 6 through 8, 1982 in the case at bar.

13. A. Thomas Hunt, Esq., counsel for the defendant Church of Scientology of California in the Garrity action has advised me that on April 5, 1982, a hearing on motions to dismiss the complaint was indeed held in that case and in three related cases, in the United States District Court for the Central District of California. Neither Mr. Flynn nor any associate of Mr. Flynn from Boston appeared at that hearing. The plaintiffs in those four actions were represented at the hearing by the Woodland Hills, California, firm of Contos & Bunch.

14. Upon information and belief, Mr. Flynn was scheduled to be deposed as a party defendant in Los Angeles, California, on April 5 and 6, 1982, in Miller v. Flynn, et al., an action likewise pending in the United States District Court for the Central District of California. For whatever reason, I am informed that he simply failed to appear thereat.

15. In context, I query the reason for Mr. Flynn's ostensible inability to attend depositions in the case at bar during the last three weeks in April - namely, legislative hearings in Clearwater, Florida. (Exhibit F). Those hearings, conducted by the municipality of Clearwater, will not commence until May, at the earliest. Moreover, I have learned that Mr. Flynn is presently scheduled to attend depositions in Boston, in three unrelated cases, on April 15, 16, 27-30, 1982.

16. It is readily apparent that opposing counsel, along with his associate, has been less than candid in seeking protracted adjournments of the depositions in this action. It seems likely that Mr. Flynn has agreed to conduct depositions, or scheduled motions in cases knowing full well that he had prior commitments in other cases, using a belatedly discovered "conflict" in his schedule to obtain adjournments. There is simply no other explanation for his actions in the case at bar. One can reasonably anticipate that absent this Court's intervention, Mr. Flynn will seek to adjourn depositions in May because of legislative hearings in Florida, the stated reason for his unavailability during the last three weeks in April.

17. That Mr. Flynn has no intention whatever of submitting his clients to discovery unless compelled to do so by judicial fiat was made eminently clear during a telephone conversation I had with him on Friday morning, April 9, 1982. After receiving Mr. Flynn's letter dated April 1, 1982, (Exhibit H), requesting that I telephone him in order to arrange suitable dates for the depositions, I did so, without success, on April 5 and 6, 1982. His secretary informed me on both days that Mr. Flynn was "out of town". On Wednesday, April 7, 1982, Mr. Flynn's secretary told my partner that her employer was in Florida, unable to reach Boston because of inclement weather in Boston[2/] - not in Los Angeles, California, where according to his

[2/] Mr. Flynn's unavailability necessitated the adjournment on April 7 of various motions in the case at bar that were scheduled to be heard by Magistrate Collings on Thursday morning, April 8, 1982.

recent communiques, he was required to be in court and to attend a deposition on April 5 and 6, 1982, respectively. (Exhibits E & F).

18. In any event, I asked Mr. Flynn on April 9 when we spoke on the telephone whether we might begin to conduct depositions on April 15 or 16 in Boston, at the very least, inasmuch as a hearing was scheduled on April 15 in this case before Magistrate Collings. Mr. Flynn then advised me that he was being deposed on April 15 and would be attending yet another deposition the following day.

Mr. Flynn then asked me whether I was free to hold depositions on April 28 and 29. I agreed to both dates. After telling me that he would have to ascertain the defendants' availability on those dates, Mr. Flynn thereupon proclaimed to my utter amazement that he was not going to have the defendants appear for depositions at <u>any</u> time, inasmuch as they had not been properly served with process. Sensing the futility of any further discussion, I concluded our conversation. This motion follows.

19. As already noted, the defendants have neither sought nor obtained a protective Order staying the taking of their depositions until a determination of their motions to dismiss the complaint on the grounds that this Court lacks <u>in personam</u> jurisdiction over them and that service of process was insufficient. Those motions are presently scheduled to be heard

by the Court on April 26, 1982. We believe that the defendants' contentions regarding lack of personal jurisdiction and insufficency of service of process lack any merit whatever, for all of the reasons set forth in the Plaintiffs' Memorandum of Law submitted in opposition to the defendants' motions to dismiss the complaint. (Plaintiffs' Memorandum of Law at 52-58). In any event, the mere pendency of these motions does not operate to stay all discovery, nor is such a stay warranted.

20. Under the circumstances, Mr. Flynn has acted in bad faith, thus far with impunity. After weeks of correspondence requesting adjournments because of ostensible prior engagements, and requesting an adjournment of depositions until May, he cannot now be allowed to avoid discovery simply because such "commitments" no longer exist.

21. Mr. Flynn's bad faith in seeking adjournments of depositions for specious reasons and his ultimate refusal to submit the defendants to discovery at any time warrant appropriate sanctions, including an award of attorney's fees for requiring the plaintiffs to seek an Order compelling discovery. Fed. R. Civ. P. 37(a)(4). His evasive and dilatory tactics have succeeded thus far in bringing the action at bar to a complete halt. He cannot be permitted to continue to thwart with impunity rules of discovery designed to expedite civil litigation.

WHEREFORE, it is respectfully requested that the plaintiffs' motion for an Order compelling the defendants JOSEPH FLANNAGAN, BARRY FLANNAGAN, FRAN FLANNAGAN and KEVIN FLYNN to submit to the taking of their depositions upon oral examination be granted in all respects, and that the plaintiffs be awarded their reasonable expenses incurred in obtaining such Order, including attorney's fees.

SANFORD M. KATZ

Sworn to before me this
13th day of April, 1982

NOTARY PUBLIC
CYNTHIA LYNN
Notary Public, State of New York
No. 4503042
Qualified in Bronx County 83
Commission Expires March 30, 1982

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC. Defendant.	Civil Action No. 79-2491-G

DEFENDANT'S REPLY MEMORANDUM IN SUPPORT OF MOTION FOR ASSIGNMENT OF MASTER TO SUPERVISE DEPOSITIONS

I. ALL OF THE DEPOSITIONS TAKEN BY DEFENDANT IN THIS CASE TO-DATE IN WHICH ATTORNEY MICHAEL J. FLYNN HAS PARTICIPATED HAVE BEEN CHARACTERIZED BY IMPROPER AND OBSTRUCTIVE TACTICS BY SAID ATTORNEY.

In her response to defendant's motion for the appointment of a special master, plaintiff does not dispute defendant's description of disruptive and improper conduct by her counsel during the deposition of Robert Dardano. Rather, plaintiff maintains that the submission of the Dardano deposition transcript to the court creates "a distorted and improper perspective". Plaintiff apparently contends that the Dardano deposition was some sort of an aberration in the course of this case and does not, in itself, warrant remedial measures such as the appointment of a master to supervise subsequent depositions.

An examination of the deposition transcripts prepared in this case to date belies plaintiff's argument. Michael J. Flynn, plaintiff's counsel, has participated to date in three depositions conducted by the defendant, as counsel for the plaintiff, the witness, or both. In addition to the Dardano deposition, Attorney Flynn also participated in the deposition of the plaintiff and that of Warren Friske. As indicated by the Affidavit of Harvey A. Silverglate which accompanied Defendant's Motion for Appoint of a Special Master, the Dardano deposition was rife with instances of Mr. Flynn's answering questions for the witness, coaching the witness, rephrasing defendant's questions to his liking, and insulting both the defendant and its counsel. An examination of the Van Schaick and Friske deposition transcripts reveals these very same abuses. Instances of various forms of misconduct by plaintiff's counsel occurring during both of these depositions are set forth below.

1. Answering the Question for the Witness.

At various points during both the Van Schaick and Friske depositions, Attorney Flynn simply interposed his own response in lieu of the witness' testimony.

> Q: Who had ordered you to go through the P.C. files?
>
> MR. FLYNN: Well, for the record, in the affidavits it's an order of Mary Sue Hubbard; and those affidavits are on file in the Van Schaick Case, Mr. Silverglate

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Defendant.	Civil Action No. 79-2491-G

46

DEFENDANT'S MOTION FOR ASSIGNMENT OF MASTER TO SUPERVISE DEPOSITIONS

The defendant Church of Scientology of California, Inc., through counsel and pursuant to Rules 53 and 26 Fed.R.Civ. P., hereby moves this Honorable Court to assign a master to supervise all future depositions.

As reasons for this motion, the defendant cites the exceptional circumstances attending discovery efforts in this case, as set forth in the "Affidavit of Counsel" filed herewith.

A proposed Order of Reference appointing a master is appended hereto.

Defendant requests oral argument on this motion and estimates that it will take 30 minutes for both sides to be heard.

Respectfully submitted,

By its Attorneys,

SILVERGLATE, GERTNER, BAKER & FINE
33 Broad Street
Boston, MA 02109
(617) 723-2624

By: _____
James L. Sultan

By: _____
Harvey A. Silverglate

By: _____
David J. Fine

DATED: January 19, 1983
Boston, MA

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Defendant.	Civil Action No. 79-2491-G

PROPOSED ORDER APPOINTING SPECIAL MASTER

It is ordered that:

(1) _____

be, and he/she hereby is, appointed Special Master in the above-entitled action, to superintend all pending and further depositions in this action, with power:

(a) To designate the time and place of all future depositions;

(b) To preside at all future depositions and to make any ruling which he/she deems necessary to ensure that the depositions proceed in the manner contemplated by the Federal Rules of Civil Procedure.

(2) Objections shall be handled in the manner specified by the Federal Rules. The presence of the Special Master shall not require the parties to make objections (such as relevance or materiality objections) which they would otherwise be able to reserve to the time of trial. Nor will the Special Master have the power to rule on the substance of objections (such as objections to the form of a question) which the Federal Rules identify as being waived unless made at the time of the deposition. In short, objections will be handled in the same manner as they are routinely handled by attorneys acting in conformity with the Federal Rules, in the absence of a master.

(3) The Special Master shall not have power to rule on the substance of claims of privilege. He shall, however, have the power to overrule a refusal by the witness to answer a question if the refusal is based on a type of ground not recognized by the Federal Rules as a valid basis for a refusal to answer.

(4) Any action or ruling made by the Special Master shall be subject to review by this Court upon written application of any party, at the completion of the taking of the deposition of each witness. Such application shall be directed to the undersigned as Judge, and control of this cause is retained by the undersigned for the purpose of ruling on such applications.

(5) The compensation to be allowed the Master for his/her services shall be fixed by the Court and shall be paid from time to time as the Court shall determine. The Master's out-of-pocket expenses, such as expenses for travel and subsistence, shall be similarly paid. Within ten (10) days of the filing of this Order, the plaintiff and defendant shall each deposit $_____, and the total of such deposits shall serve as an initial fund for this purpose. Said deposit shall be made with the Clerk of the Court.

When, in the Master's opinion, the services rendered and expenses incurred are sufficient to substantially utilize, cover or exceed the amount of said initial deposit, the Master shall advise the Court thereof and the Court will order additional deposit or deposits. As to future deposits, the Court may determine to require them to be made by the parties in other than the fifty-fifty ratio provided above, and the Court will receive and consider any recommendations which the Master may make in that respect.

Regardless of the ratio in which deposits are made, the Court may, at the end of the case, assess the compensation and expenses so allowed to the Master between the parties as the Court shall determine, taxable as costs in the action.

(6) Within ten (10) days of the filing of this Order, each of the parties shall present to the Master a proposed schedule of depositions.

(7) The original of all papers hereafter served and filed herein dealing with depositions in the above-entitled action shall be filed with the Clerk of this Court, and a copy thereof shall be furnished to the Master by personal delivery or by mail to his/her office address, no later than the date of filing of such papers with the Clerk. A copy of any application for review and of any papers or memoranda in support of or in opposition thereto shall similarly be furnished to the Master.

(8) The dates for the scheduling of depositions already arrived at and agreed upon by counsel prior to the signing of this Order shall be and remain in full force and effect subject to the Special Master's ability to honor these dates.

SIGNED and ENTERED this day of January, 1983.

W. Arthur Garrity, Jr.
United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Defendant.	Civil Action No. 79-2491-G

AFFIDAVIT OF COUNSEL IN SUPPORT OF DEFENDANT'S MOTION FOR THE ASSIGNMENT OF A MASTER TO SUPERVISE DEPOSITIONS

Harvey A. Silverglate, being sworn, states:

1. I have been a member of the bar since 1967. I am an attorney for the defendant in the instant case, and have been for most of the duration of these proceedings.

2. I submit this affidavit in support of the defendant's motion for the assignment of a master to supervise the depositions in this case.

3. Because of the obstructive tactics and behavior of some of plaintiff's attorneys, a master has already been appointed

to supervise depositions in a case involving the Church of Scientology pending in the Massachusetts Superior Court. Defendant believes that the same reasons which compelled the appointment of a master in that case, also require the appointment of a master here.

4. This affidavit will be divided into two sections. Section I will describe the background of the appointment of a master in the state case. Section II will demonstrate why a master is also needed in this case (the "Van Schaick" case).

I. Appointment of a Master in the State Case.

5. On August 21, 1981, Eric D. Blumenson, Esq., counsel for the Church of Scientology of Boston in the case, Church of Scientology of Boston, Inc., et al. v. Michael J. Flynn, et al. and its associated counterclaim Steven Garritano et al. v. Church of Scientology of Boston, Inc., and Church of Scientology of California, Inc., civil cases filed in the Superior Court of Massachusetts in Suffolk County (No. 40906), filed his "Affidavit of Eric D. Blumenson in Support of the Motion to Assign a Master to Supervise Depositions and the Motion to Compel Discovery" with the Boston Church's "Motion for Assignment of a Master." I attach hereto as Exhibit "A" a copy of that motion and a copy of that affidavit.

6. Attorney Blumenson noted in his affidavit that opposing counsel had engaged in a long-standing pattern of misconduct including "extreme tactics of disruption, feeding answers to the witness, insults, refusals to answer proper questions requiring court orders, " and a "continued refusal to obey" a court order "limiting statements of counsel at deposition to questions, instructions not to answer, or a concise objection..." (See Blumenson affidavit, Exhibit "A", at p. 3.) The "opposing counsel" to whom attorney Blumenson refers in his affidvait are also among the counsel for the plaintiff in the Van Schaick case.

7. Attorney Blumenson furthermore noted in his affidavit that Associate Justice of the Superior Court Morse had ordered from the bench

> that (a) if the parties are unable to agree to a discovery schedule, a master be assigned to order the schedule, and (b) that a master oversee all future depositions.

(Blumenson affidavit, Exhibit "A", at p. 3.)

8. Because of the pattern of misconduct on the part of the counsel referred to above, Associate Justice of the Superior Court Pierce entered an order on September 14, 1981, upon the Boston Church's motion, that a master be appointed to supervise all depositions. I attach hereto as Exhibit "B" a copy of Judge Pierce's order.

II. Reasons Why A Master Should Be Appointed Here.

9. The pattern of conduct on the part of counsel, which was the subject of the affidavit of attorney Blumenson, is now being repeated in the Van Schaick case. The defendant has encountered a number of situations wherein its efforts to conduct normal discovery have been frustrated by plaintiff's counsel's tactics in depositions. To illustrate these tactics, I am attaching to this affidavit as Exhibit "C" a transcript of the deposition of Robert Dardano. Taken on December 8, 1982, this is defendant's most recent deposition and presents the freshest evidence of the conduct which has prompted defendant's present motion.

10. Defendant believes that the transcript shows that the misconduct of plaintiff's counsel was so pervasive that the net result was not really a deposition of the witness at all, but rather a performance of an attorney intent on venting his own views of the Church of Scientology, berating opposing counsel, and doing everything in his power to frustrate the discovery to which the defendant was entitled.

11. On numerous occasions during defendant's examination, attorney Flynn instructed the witness to answer questions which he interposed rather than defendant's questions; he suggested on the record not only the manner but the wording of the response

which the witness should give to defendant's questions; and he responded to questions posed to the witness, rather than allowing the witness himself to respond. At numerous times during the defendant's direct examination, attorney Flynn, obstensibly objecting to a question, actually engaged in a long colloquy which amounted to his testifying instead of the witness. Two of many examples follow:

> Q. Did any violations of Church ethics occur at the house in Tewksbury while you were living there?
>
> MR. FLYNN: Objection. When you say Church ethics, it is so broad. Do you mean -- the Fair Game Doctrine is part of the Church ethics. That calls for lying, suing, cheating, and destroying someone. If you go out and break into someplace for the purpose of destroying that person, is that within your definition of Church ethics, because that's what they did. Then they were complying with Church ethics. You see, sir, as I've been telling you throughout this deposition, we're going to have this problem at trial, as Mr. Silverglate well knows, we're not going to be able to deal with this terminology. You have to deal with the facts to arrive at what the policies mean. When you use a vague term, Church ethics, you've got to define what Church ethics is. Does it include the Fair Game Doctrine? If it does, if they were out lying, cheating, suing and destroying people, then they were complying with Church ethics. ...

(Tr. at pp. 43-44.)

> Q. Mr. Dardano, you testified that members of this group conducted themselves in accordance with Church ethics. My question is whether or not there were violations of Church ethics which you observed or committed at this house in Tewskbury while you were living there in 1974 and early '75?

MR. FLYNN: I object.

A. You're looking for --

MR. FLYNN: It is not a question of what he's looking for. It's a question of you understanding the term Church ethics. It means that if you were authorized to break into places, those are Church ethics; or destroy someone or harass someone, that is within the definition of Church ethics as you understood it at the time. That's what he's asking.

(Tr. at pp. 44-45.)

12. Further, the plaintiff's attorney repeatedly interrupted the deposition with attacks on the Church of Scientology and defendant's counsel. Thus, when the witness was asked about Church doctrine regarding adultery, plaintiff's attorney interjected

> I object again. Under what rules? Hubbard was screwing his commodore's messengers. He was having homosexual affairs with some of his young male friends.

(Tr. at pp. 47-48.) Elsewhere Mr. Flynn admonished defendant's counsel,

> Instead of taking a lengthy deposition about something that is apparently as obvious as your face, and charging huge fees to this poor Church that is apparently going broke because of legal fees from the affidavits that I read, use your common sense. Evaluate the evidence -- you've already got the testimony -- and stop perpetrating a professional abuse both on your client and on my client.

(Tr. at page 35.) Attorney Flynn also accused defendant's counsel of

> charging the Church exorbitant fees to do something that you've already done once in this case.

(Tr. at pp. 27-28.) Attorney Flynn also observed to defendant's counsel that

> the truth will come out in the wash in this litigation no matter whether you stand on your head, receive a million dollars or ten dollars.

(Tr. at p. 37.) Beside charging that the founder of the defendant's faith is a pederast, and that the defendant's counsel charges exorbitant legal fees -- in front of the witness and a representative of the defendant -- attorney Flynn at another point in this deposition interrupted the witness in the middle of his testimony to editorialize that

> That's like Hitler did to the Jews. That's exactly what it is.

(Tr. at p. 55.) Mr. Flynn also berated one of my firm's employees for declining to reveal to Mr. Flynn his religion. (Tr. at p. 6.

12. And, as if all this were not enough, attorney Flynn went so far as to interrupt the deposition at one point to engage in a harangue about how he was goint to sue defendant's coun

> Q. Mr. Dardano, did you recently appear on a television --
>
> A. What does that have to do with the Van Schaick case?
>
> MR. FLYNN: Answer this area.
>
> A. Yes, I did.
>
> MR. FLYNN: Mr. Silverglate, for the record, was on that show, also. He made a number of outrageous misstatements which will be the subject of a libel or slander suit at some point, particularly with regard to his statement on the record that he specifically requested from me information pertaining to the placing of water in my fuel tanks by members of the Church of Scientology, and my engine quitting at the time I was flying the airplane over the

> Upstate New York at 8,000 feet. And Mr. Silverglate said he doubted that the incident ever happened because he had requested specific evidence about it. Well, as Mr. Silverglate knows, he never requested any evidence about it. No. 2, there were three other people in the airplane -- as he's going to learn about -- who were present when the engine quit, and we almost landed in a farm field. It took place on October 19, 1979, right after I rejected Mr. Ralph Sullivan's offer to settle the Van Schaick case. For your information, my airplane was being monitored 24 hours a day by members of the Guardian's Office at the time. Mr. Silverglate you never did request any information about that incident, and your statements on the TV program were false and libelous in addition to everything else you've done. Go ahead.

MR. SILVERGLATE: Can we go with the deposition, please.

(Tr. at pp 35-36.)

12. Finally, it must be emphasized that the Dardano deposition is itself but the freshest example of the sort of problems which the defendant has encountered in virtually all of its depositions in this case to date. If it should become necessary to do so, I am fully prepared to present to the Court documentation of a large number of similar incidents of plaintiff's counsel's employment of extreme tactics of disruption, feeding answers to witnesses, insults, vituperation, and obstruction.

13. The defendant and its counsel understand that the assignment of Edmund Hurley, Esq., as master in the state case referred to above, has had a curative effect on the process of

> the truth will come out in the wash in this litigation no matter whether you stand on your head, receive a million dollars or ten dollars.

(Tr. at p. 37.) Beside charging that the founder of the defendant's faith is a pederast, and that the defendant's counsel charges exorbitant legal fees -- in front of the witness and a representative of the defendant -- attorney Flynn at another point in this deposition interrupted the witness in the middle of his testimony to editorialize that

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> MR. FLYNN: Mr. Silverglate, for the record, was on that show, also. He made a number of outrageous misstatements which will be the subject of a libel or slander suit at some point, particularly with regard to his statement on the record that he specifically requested from me information pertaining to the placing of water in my fuel tanks by members of the Church of Scientology, and my engine quitting at the time I was flying the airplane over the

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(Tr. at pp 35-36.)

12. Finally, it must be emphasized that the Dardano deposition is itself but the freshest example of the sort of problems which the defendant has encountered in virtually all of its depositions in this case to date. If it should become necessary to do so, I am fully prepared to present to the Court documentation of a large number of similar incidents of plaintiff's counsel's employment of extreme tactics of disruption, feeding answers to witnesses, insults, vituperation, and obstruction.

13. The defendant and its counsel understand that the assignment of Edmund Hurley, Esq., as master in the state case referred to above, has had a curative effect on the process of

discovery in that case. Because Mr. Hurley is already familiar with issues common to the Scientology cases, and is also familiar with the type of discovery problems in question, it seems to make sense for him to be appointed the master to supervise the deposition in the Van Schaick case.

14. In the state case, the fee for the master is being shared equally by plaintiff and defendant. Since appointment of a master here has been necessitated, in my view, solely by the misconduct of plaintiff's counsel, I believe it would be appropriate for the master's fee here to be borne solely by plaintiff and plaintiff's counsel. Nevertheless, in view of the importance to the defendant of having discovery proceed in an orderly fashion, defendant is willing to share the master's fee on a 50-50 basis, as is being done in the state case.

SIGNED and SWORN to under the pains and penalties of perjury this 19th day of January 1983.

Harvey A. Silverglate

Exhibits "A", "B", "C" attached hereto.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT
NO. 40906

CHURCH OF SCIENTOLOGY OF BOSTON, INC., ET ALS,

-vs-

MICHAEL J. FLYNN, ET ALS.,
Defendants

MOTION FOR ASSIGNMENT OF A MASTER

Now comes the plaintiff, Church of Scientology of Boston, Inc., in the above-captioned case who respectfully moves that this Honorable Court assign a master to supervise all future depositions and to promulgate a discovery schedule between the parties.

This motion is necessary to execute Judge Morse's order of July 1, 1981, that (1) if a discovery schedule could not be agreed to by the parties, "it's going to be referred to a master to straighten it out"; and (2) "the second thing that is going to happen is that the same special master is going to supervise, other than tomorrow's deposition because we probably can't get that person in place that quickly, future discovery."

Plaintiff further moves that defendant-counter-claimants be ordered to pay the costs of the master, which is only necessary to remedy the continued conduct of counter-claimants in disrupting and denying

Exhibit "A"

discovery as appears on the attached affidavit.

Respectfully submitted,

By its attorney,

Eric D. Blumenson

Eric D. Blumenson
Attorney for plaintiff
11 Beacon St., Suite 800
Boston, MA 02108
(617) 723-9230

August 21, 1981

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT
NO. 40906

CHURCH OF SCIENTOLOGY OF BOSTON, INC., ET ALS.

-vs-

MICHAEL J. FLYNN, ET ALS.,
Defendants

AFFIDAVIT OF ERIC D. BLUMENSON
IN SUPPORT OF THE MOTION TO ASSIGN
A MASTER TO SUPERVISE DEPOSITIONS
AND THE MOTION TO COMPEL DISCOVERY

I, Eric D. Blumenson, hereby depose and say:

1. My name is Eric D. Blumenson. I am a member of the Massachusetts bar and represent the Church of Scientology of Boston in the case of Church of Scientology, et als. v. Michael Flynn, et als.

2. I have been unable to obtain the following discovery, which I believe I am entitled to receive under the rules of Civil Procedure:

Discovery Obstructed by Defendants	Situation
a. Deposition of Mr. Garritano (father of party)	Defendants stipulated to accept service and notify Mr. Garritano, but refused subpoena and reneged (stipulation in transcript and constable's letter indicating refusal to accept service attached).
b. Deposition of Mrs. Gott (mother of party)	Defendants stipulated to accept service and produce Mrs. Gott. On August 18, 1981, opposing counsel, Paul Jenkins told me they would

Discovery Obstructed by Defendants		Situation
b.	(cont)	neither produce her nor give me her address so that I might serve her. (Earlier letter acknowledging stipulation attached).
c.	Deposition of Peter Graves.	Scheduled at his convenience, he nevertheless failed to appear two times, June 29, 1981 and August 17, 1981.
d.	Deposition of Kevin Flynn	Subpoenaed for August 14, 1981; I was first told by attorneys that he would be unavailable until September 1, 1981; on August 18, 1981, Paul Jenkins told me he would be unavailable until October 1, 1981. Kevin Flynn is an employee of Michael Flynn, a party.
e.	Document production by Peter Graves	Document request issued December 18, 1980. No objection filed. Several demands were made, and on March 11, 1981, at his deposition, his attorneys said it might take a week. On August 13, and 17, 1981, opposing counsel refused to set any date when these documents would be produced. (Cover page of document request and deposition transcript attached).
f.	Request for Admission by Michael J. Flynn	Objection to answering requests one and two; refusal to admit or deny numbers 3, 4, 5, or 6 on its terms, specifically, which materials were recieved.

3. I have therefore filed, two motions: (1) To compel the above discovery, (2) to assign a master to supervise discovery and the taking of deposition. The latter motion is necessary to execute Judge Morse's order from the bench of July 1, 1981 that (a) if the

parties are unable to agree to a discovery schedule, a master be assigned to order the schedule, and (b) that a master oversee all future depositions. (Transcript page attached containing Judge Morse's order).

4. I believe that the fee of the master should be paid for by the counter-claimants, because a master is only necessary due to (1) the counter-claimants repeated refusal to produce discovery, requiring a court order in almost every case; (2) opposing counsel's extreme tactics of disruption, feeding answers to the witness, insults, refusals to answer proper questions requiring court orders; and (3) the counter-claimants' continued refusal to obey the court order of May 22, 1981 obtained by the plaintiffs based on the history of depositions in this case, limiting statements of counsel at deposition to questions, instructions not to answer, or a concise objection and limiting deponent - attorney conferences during examination to those necessary to consider assertion of privilege. These tactics have required the plaintiff to continually obtain court orders at great time and expense, as are detailed in the following paragraphs. Because the problem to be remedied by the assignment of a master has been created by this well-documented conduct of the counter-claimants, I believe that my clients should not be required to bear the expense of the remedy.

5. a. Court orders have in the past been required to obtain the following discovery:

Discovery Obstruction		Court Order
a.	Disruptions, feeding answers to deponent, lawyers answering questions, and speech making.	Order of May 22, 1981, limiting statements of counsel in deposition and limiting deponent-counsel conferences to matters of privilege.
b.	At scheduled Sylvana Garritano deposition of March 9, opposing counsel produced a different party and insisted deposition go on of substituted party.	Court did not grant motion to compel because Sylvana Garritano was witness, and advised other route.
c.	Sylvana Garritano and opposing counsel walking out of deposition of June 24.	Ordered to return by Young, J.
d.	Sylvana Garritano refusal to answer questions at deposition.	Twenty-nine of thirty questions ordered answered, Young, J., June 24, 1981.
e.	Michael Flynn refusal to attend deposition.	Ordered to appear, Linscott, J., September 26, 1980.
f.	Micahel Flynn walking out of deposition.	Required to appear and answer relevant questions, Linscott, J., October 28, 1980.
g.	Michael Flynn refusal to attend deposition unless paid $500.00.	Ordered to appear without pay, Fanari, J., May 4, 1981.
h.	Lucy Garritano walking out of deposition.	Ordered to attend, May 22, 1981.
i.	Lucy Garritano refusal to answer questions.	Ordered to answer eleven of sixteen questions May 22, 1981.
j.	Steven Garritano refusal to answer questions.	Ordered to answer six of eight questions, May 22, 1981.
k.	Failure to answer interrogatories.	Ordered submitted within ten days, Morse, J., July 1, 1981 -- still not submitted.

Discovery Obstruction	Court Order
l. Interrogatories of Peter Graves.	Ordered submitted within ten days, Morse, J., July 1, 1981 -- still not submitted.
m. Interrogatories of Lucy Garritano	Ordered submitted within ten days, Morse, J., July 1, 1981 -- still not submitted.
n. Interrogatories of James Gervais.	Ordered submitted within ten days, Morse, J., July 1, 1981 -- still not submitted.

b. Those depositions held (usually the result of court orders) were marked by such disruption, speech making, insults, overt coaching the witness, and attempts to interrogate the deposing counsel, that the plaintiff filed a motion to govern depositions. In that motion are attached many transcript pages recording unseemly behavior designed to simply disrupt or deny discovery. The court granted all parts of the motion but costs. This order is attached.

Since that motion was granted, these tactics have continued. At the deposition of Sylvana Garritano, there was constant disruption, including demands by opposing counsel that I not sit opposite the witness because that was too close to his chair which he found "offensive". Transcript pages of this episode were attached to the motion for contempt which was heard by Judge Morse on July 1, 1981. Rather than ordering contempt, the Court declared that a master will be the remedy to the tortured discovery process of the past year.

SIGNED AND SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY THIS 21 DAY OF AUGUST, 1981.

Eric D. Blumenson

Eric D. Blumenson

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
No. 40906

CHURCH OF SCIENTOLOGY OF BOSTON, INC, on its own behalf and on behalf of its members, Et Als , Plaintiff(s)

v.

MICHAEL J. FLYNN, ET ALS , Defendant(s)

ORDER OF REFERENCE TO MASTER
(JURY ACTION)
COPY

Ordered that this action be referred to EDMUND HURLEY, ESQUIRE, 10 POST OFFICE SQ., BOSTON, MA., 02109, as Master.

The Master will hear the parties, examine their vouchers and evidence, and state accounts.

He shall make findings of fact, which ~~shall~~ shall not be final, with subsidiary findings of fact on each issue, including the issue of damages when the finding is for the plaintiff.

He shall rule upon the admissibility of evidence and whenever an objection is taken thereto he shall, if requested so to do, make a statement of such ruling in his report.

He shall not report the evidence, except that, when a party so requests, he shall make a record of the evidence offered and excluded, in the manner provided in Rule 43(c) of the Rules of Civil Procedure; and except as Section 8 of Rule 49 of the Superior Court Rules may apply.

~~Hearings shall begin on or before ... 19 ... and~~
~~a. shall end on or before ... 19 ...~~

b. shall proceed from day to day, Saturdays, Sundays and holidays excepted, until completed. TO SUPERVISE ALL FUTURE DEPOSITIONS AND TO PROMULGATE A DISCOVERY SCHEDULE BETWEEN THE PARTIES.

The Master is referred to the provisions of Section 9 (b) of Rule 49 of the Superior Court Rules regarding forfeiture of compensation for failure to file his report seasonably.

By the Court (PIERCE , J.)

FRANCIS B. TYRRELL
ASSISTANT Clerk.

Entered: SEPTEMBER 14, 19 81
COPIES ISSUED: NOTICE SENT 9/14/81

Copy, E.D.B. T.M.G. Z. & Z. M.J.F. N.S.Z. K.S. Attest: R.L.S. P.J.J. -MASTER

Exhibit "B"

Francis B. Tyrrell
Assistant Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

La VENDA VAN SCHAICK	
vs.	Docket No. 79-2491-G
THE CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC.	

DEPOSITION of ROBERT DARDANO, a witness called by and on behalf of the defendant, pursuant to notice under the Federal Rules of Civil Procedure before Josephine C. Aurelio, CSR/RPR, a Notary Public in and for the Commonwealth of Massachusetts, at the offices of Silverglate & Gertner, 33 Broad Street, Boston, Massachusetts, on Wednesday, December 8, 1982 commencing at 10:25 a.m.

Exhibit "C"

NOTE ***NOTE***NOTE***

EXHIBIT "C" here was submitted in full to the court. And that is the Deposition of Robert Dardano, taken 8 December 82, in the LVS Case. Attached is just the cover sheet to this Exhibit.

NOTE*****NOTE*****NOTE*****

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Defendant.	Civil Action No. 79-2491-G

CERTIFICATE OF SERVICE

I, David J. Fine, do hereby certify that I have served upon the plaintiffs copies of the following: Defendant's Motion for Assignment of Master to Supervise Depositions, Proposed Order Appointing Special Master, Affidavit of Counsel in Support of Defendant's Motion for the Assignment of a Master to Supervise Depositions, Memorandum in Support of Defendant's Motion to Assign a Master to Supervise Depositions, by delivering, via messenger said copies to Wayne B. Hollingsworth, Hollingsworth & Pappas, 11 Union Wharf, Boston, MA 02109, and Michael J. Flynn, 12 Union Wharf, Boston, MA 02109.

Done this 19th day of January 1983.

David J. Fine

David J. Fine

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., Defendant.	Civil Action No. 79-2491-G

MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO ASSIGN A MASTER TO SUPERVISE DEPOSITIONS

Although the federal rules of discovery are largely self-executing, there are cases where special measures are necessary to ensure that discovery proceeds in a just and orderly manner. The appointment of a special master to supervise discovery, pursuant to Rules 53 and 26, Fed.R.Civ.P., is one of the mechanisms available to the court where the attorneys have been unable to conduct discovery without direct judicial intervention. Utilization of a special master in this case would bring the obstructive tactics described in the accompanying affidavit of counsel to a halt and expedite the completion of pre-trial discovery without imposing unnecessarily upon the

limited resources of this Court.

Although Rule 53 does not explicitly mention the appointment of a master to oversee discovery, such an approach has been approved in numerous federal cases. E.g., First Iowa Hydro Elec. Coop. v. Iowa-Illinois Elect. Company, 245 F.2d 613 (8th Cir. 1957), cert. denied, 355 U.S. 871 (1957); Omnium Lyonnais D'Etacheite v. Dow Chemical Co., 73 F.R.D. 114, 117-18 (C.D. Cal. 1977); Fisher v. Harris, Upham and Co., Inc., 61 F.R.D. 447 (S.D.N.Y. 1973); Shapiro v. Freeman, 38 F.R.D. 308, 312 (S.D.N.Y. 1965). In most of these cases, animosity between opposing counsel or obstructive tactics engaged in by one party or the other constituted the "exceptional circumstance" which justified the appointment of a special master. Shapiro v. Freeman, supra, is particularly on point for there, as here, it was the obstructionist tactics of plaintiff's counsel which justified the appointment of a master. The Shapiro court ruled, in words equally applicable here,

> The ends of justice compel the appointment of a special master to preside over all pending and future depositions in this case, lest there be repetition of these obstructive tactics, further delay, waste, expense, and still more needless burden cast upon this congested court.

38 F.R.D. at 312. See also the Report of the Judicial Conference Study Group on Procedure in Protracted Litigation, adopted by the Judicial Conference of the United States in March, 1960, recommending the use of a special master in cases in-

volving complex issues or animosity among counsel. 25 F.R.D. 351, 391-94.

Based upon the discovery record of this case to date, it is apparent that there is a compelling need for the appointment of a special master here. As demonstrated in the accompanying affidavit of Harvey A. Silverglate, the conduct of prior depositions has been marked by obstructive and disruptive tactics by plaintiff's counsel. Attempts by defendant's counsel to bring these unprofessional tactics to a halt have resulted in further acts of filibustering, disruption, insults, and threats. At this point, given the apparent animus of plaintiff's counsel towards the defendant and its attorneys, there is every reason to believe that plaintiff's obstructive tactics will continue unabated unless an appropriate form of judicial supervision is imposed.

CONCLUSION

Defendant's motion to appoint a master to supervise depositions should be granted.

Respectfully submitted,

By its attorneys,

SILVERGLATE, GERTNER, BAKER & FINE
33 Broad Street
Boston, MA 02109
(617) 723-2624

By: Harvey A. Silverglate
Harvey A. Silverglate

By: David J. Fine
David J. Fine

By: James L. Sultan
James L. Sultan

DATED: January 19, 1983
Boston, MA

JUN 9 1983

FILED
RIVERSIDE COUNTY

JUN 28 1983

WILLIAM E. GONERLY, Clerk
By R. Flores R. Flores Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

In Re Estate of L. RON HUBBARD, A Missing Person.	CASE NO. 47150 (Probate) STATEMENT OF DECISION

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The court makes the following Statement of Decision:

The declaration of L. RON HUBBARD, dated May 15, 1983, is in Mr. Hubbard's handwriting with his fingerprint attached, and was executed after this action began.

The lack of information as to Mr. Hubbard's present residence address is a matter of choice by Mr. Hubbard.

Mr. Hubbard's business affairs are being taken care of to the satisfaction of Mr. Hubbard, and are not in need of supervision by this court.

Mr. Hubbard's constitutional right of privacy gives him a right to keep his residence a secret from the public and, therefore, he is not a Missing Person within the meaning of Probate Code 260.

Dated: June 27, 1983

J. DAVID HENNIGAN

J. DAVID HENNIGAN
JUDGE OF THE SUPERIOR COURT

Los Angeles Times
Tuesday, June 14, 1983
Editorial Pages
CCt/Part II

METRO

Judge Throws Out Lawsuit Over Scientology Dispute

By RUSSELL CHANDLER, *Times Religion Writer*

A Riverside Superior Court judge Monday threw out a suit by L. Ron Hubbard's estranged son that claimed that his father, the controversial founder of the Church of Scientology, is either dead or incompetent.

Judge David Hennigan said he had been "convinced" by a declaration Hubbard had filed three weeks ago that the reclusive science-fiction writer was alive.

The declaration was signed and fingerprinted by Hubbard and apparently authenticated by handwriting and fingerprint experts. Hubbard, 71, had written in the document that he was "not a missing person. I am in seclusion of my own choosing. My privacy is important to me and I do not wish it or my affairs invaded."

Ron DeWolf, who has been estranged from his father for more than 20 years, filed a probate petition in the Riverside court Nov. 10. The petition alleged that Hubbard was either dead or mentally incompetent and that self-dealing church representatives were systematically looting money, gems and securities from his father's estate.

DeWolf asked the court to name him trustee of the estate, estimated to be worth at least $100 million.

"I think the media has heard the cry of 'DeWolf' long enough," Heber Jentzsch, president of the Church of Scientology International, said in a telephone interview.

LOS ANGELES HERALD EXAMINER
Tuesday
June 14, 1983
Late news
25 cents
Vol. CXIII No. 43

Judge bars son's claim to estate of Hubbard

Associated Press

A judge in Riverside yesterday dismissed a claim that reclusive Church of Scientology founder L. Ron Hubbard is dead or mentally incompetent and said the controversial writer is entitled to privacy.

Superior Court Judge David Hennigan rejected a request that Hubbard's oldest son, Ronald DeWolf, be given control of Hubbard's estate. The judge also rejected claims that Hubbard should resolve the case by appearing in court.

Hennigan told attorney Wilkie Cheong, who represents DeWolf, that Hubbard has a constitutional right to privacy. The judge said he was swayed by a declaration filed 3½ weeks ago in which Hubbard declared that he was alive and well and in seclusion "of my own choosing."

The seven-page statement, which included Hubbard's fingerprints and signature, said threats had been made on the life of the 72-year-old science-fiction writer and author of "Dianetics: The Modern Science of Mental Health," a precursor to Scientology.

Arguing that Hubbard's assets were being properly managed, the petition said: "I am not a missing person. I am in seclusion of my own choosing. My privacy is important to me, and I do not wish it or my affairs invaded."

Hennigan told Cheong at the time that the case "would have been resolved in your favor if it had not been for the declaration" and gave the attorney three weeks to disprove the document's authenticity.

DeWolf, 48, also had claimed that Scientology officials had stolen millions of dollars worth of gems and securities.

Yesterday, Hennigan rejected an argument by Cheong that Hubbard's declaration might have been faked.

Cheong said Hubbard's signature looked "legitimate," but added: "It appears that it was a blank piece of paper that was signed by him, with the words added later. That paper has nothing to do with whether he's competent to manage his affairs."

The New York Times

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NEW YORK, TUESDAY, JUNE 14, 1983

60 cents beyond 70 mi
except on I

Around the Nation

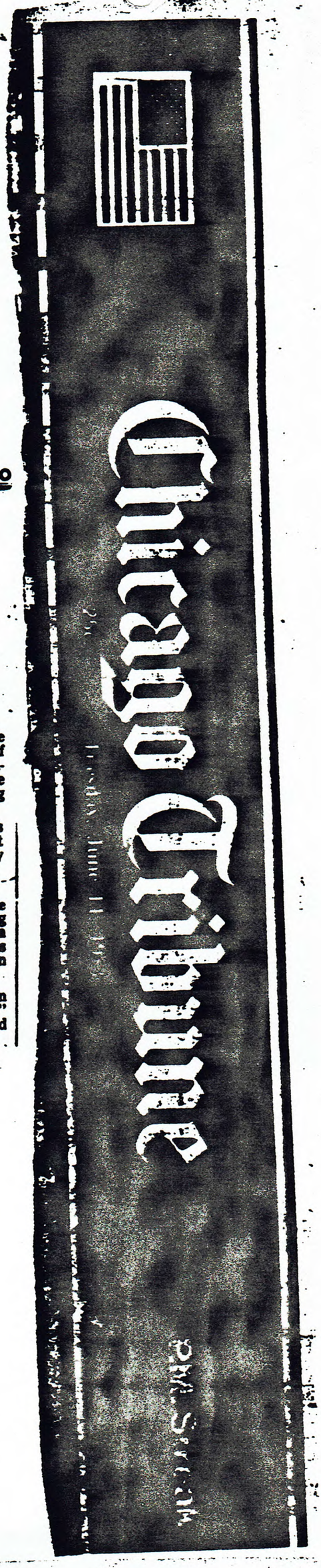
Scientology Leader's Son Loses a Court Challenge

RIVERSIDE, Calif., June 13 (AP) — A Superior Court judge today dismissed a claim by the son of L. Ron Hubbard, the founder of the Church of Scientology, that his father was either dead or mentally incompetent.

Judge David Hennigan, ruling in the probate case, said he was swayed by a declaration filed almost a month ago, apparently by Mr. Hubbard, in which the science fiction writer, who is 72 years and has not been seen in public for many years, declared that he was alive and well and in seclusion "of my own choosing."

Last month Judge Hennigan gave Mr. Hubbard's son, Ronald DeWolf, 48, three weeks to try to disprove the authenticity of the declaration, which contained Mr. Hubbard's signature and fingerprints. Mr. DeWolf's lawyer conceded that the signature was Mr. Hubbard's.

Mr. DeWolf had argued that Scientology officials were mismanaging his father's estate and asked that he be appointed trustee of his father's finances.



Church founder ruled alive in probate action

RIVERSIDE, Calif. [UPI]—Despite contentions by his estranged son that he is dead, Church of Scientology founder L. Ron Hubbard was ruled alive and well by a judge who dismissed a probate suit against the reclusive church leader.

Ronald DeWolf, 49, who changed his name from L. Ron Hubbard Jr. after leaving the church 23 years ago, wanted the court to declare him trustee of Hubbard's estate. He contended that his father was either dead or mentally incompetent.

But Superior Court Judge David Hennigan dismissed the case Monday, saying he was convinced that Hubbard was living in seclusion.

DeWolf, manager of an apartment complex in Carson City, Nev., said in a telephone interview Monday from Nevada he plans to pursue further legal action against his father's estate.

"Now that he's adjudicated alive and not missing we'll go on," DeWolf said. "We feel we have overwhelming evidence to show his funds are being ripped off. We feel he's being manipulated.

"If he is alive, then of course he's indictable and subpoenas can be put out for him. We'll get in gear pretty soon."

HENNIGAN SAID last month he was leaning toward granting DeWolf's request until he received a letter from Hubbard, bearing his fingerprints and initials on all seven pages.

"I am not a missing person. I am in seclusion of my own choosing," Hubbard said in the letter, submitted to Hennigan by attorneys May 19.

KPS7, Palm Springs, California

INTERVIEW OF RON DE WOLFE

July 14, 1983; 8:20 a.m.

By: Ed Kibbey & Stan Lane, DJ's

DJ = Disk Jockey (first DJ voice)

DJ #2 = Disk Jockey (second DJ voice)

RD = Ron DeWolfe

DJ: . . . and the Church of Scientology, and if you followed the story at all you've heard some of the publicity centering around whether or not L. Ron is still amoung the living and, L. Ron Hubbard's son, Ron Jr., who is, I guess these days being called Ron DeWolfe. And Ron DeWolfe is on the line with us this morning to update us on his attempt to find out about his dad, to control his father's estate and just to give us some input on just who L. Ron Hubbard really is and why. Ron, thank you for joining us.

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RD: Good morning. Thank you for having me.

DJ: Appreciate you're being on the air. Now, when was the interview you did. Was it recent Penthouse interview?

RD: It was in the June issue.

DJ: OK, that was pretty recent. June issue. And according to the wireless here they quote you--and I didn't see it, didn't read the interview--but it says that amoung other things your father was kind of a, well, flounder?

RD: Very much so.

DJ: Tell us a little bit about that.

RD: Well, he was deeply involved in the personal use of drugs,

black magic and what have you, throughout his early life, and it continued up to the time I left at least. And also he was involved in associations with organized crime and ah, which, by the way, have come out now in indictments, I believe in Arizona. So he was a bigger than life fellow that sort of involved himself in just about everything.

DJ: Ron, when did the break happen between you and your dad? He's obviously a very bright man, written many books, created this--I don't know if he calls it a religion or following or whatever it is--the Church of Scientology. What caused the two of you go so such separate ways and to end up on opposite ends of-of things here?

RD: Well, I left in 1959 and I got pretty tired of all of his involvement with black magic, drugs, his fraud and deception involved in what he was doing; the fact that Scientology didn't, didn't work as stated and ah, that's why I basically left.

DJ: If, indeed, Scientology does not work as stated, what makes it work, what makes it go. Why are they so rich and why do they have so many members?

RE: Well, it's the granddaddy of all cults, and Dianetics the first book, <u>Dianetics The Modern Science Of Mental Health</u> in 1950 was the first do-it-yourself psychotherapy, and then it promises people a great deal of power and also they have gone to great lengths to silence any critics or dissidents and particularly the press and the radio and TV, and that sort of thing over the last 30 some odd years, so people didn't really learn the truth until they got rather deeply into it and left. There's probably far more on the outside now then there

are on the inside.

DJ: Is it a costly religion for the person who takes part in it?

RD: Oh, very much so. Recent evidence is shown that there's been some people that have paid as much as $900,000; some of the auditing goes as high as $300 an hour or more. The average would probably be somewhere between $5,000 and $25,000.

DJ: There has been recent, on this same sort of subject money, and Scientologists. There was a recent story a year or two ago in the Riverside area where they--I, correct me if I am wrong, but my recollection of it is--they actually caught some Scientology higher-ups defrauding savings and loans and banks. They would go make a loan and then cut out on the loan after they got the money and there was, there was some problems with that. Do you recall that?

RD: Ah yes, and one of the more recent stories too is that in the St. Petersburg Times in St. Petersburg, Florida, broke a story where they finally uncovered the root of millions of dollars that were coming from the non-profit corporations through a dummy corporation and into Liberia into my father's personal bank accounts, many millions of dollars.

DJ: Where are you with your father now? You went to court to try to prove that he was either dead or unfit to take care of himself and you wanted to take control of his so-called fortune. Apparently the court didn't see it your way. Where are you in that battle?

RD: Well, the court decided that my father was not missing. Of course, no one really knows where he is at, ah, except a small group of people around him, but that particular decision

really opened up a terrible Pandora's box for him in that it now, in the legal sense, makes him quite reachable so that, for us anyway, was ah, step one was to achieve a decision of whether he was missing or not and then now we're involved in preparing step two which is further litigation.

DJ: And Ron, your claim is what, that the, that the Scientology authorities and leaders have basically taken over his millions and his fortunes and are calling the shots and are controlling what is his/yours as his son?

RD: That's true. We're dealing here with assets probably in the neighborhood of a billion dollars, which isn't bad for a broke science fiction writer in 1949 to wind up with a billion dollar worth of assets. So, this is where we're at now is to getting those assets uncovered and to stop the dissipation and the continued misuse of them.

DJ: If he, indeed, is alive, well and has most of his faculties there isn't really much you can do about it, is there?

RD: Well, in that sense, on the previous petition, no, but there are many legal remedies. It's very much like a David and Goliath situation with me--I mean when you have dozens of lawyers and thousands of followers and a billion dollars to play with, it's sort of an up-hill battle, but very much like Terry Moore and the Howard Hughes situation, she fought that for 30 years and she finally won out through many different court cases.

DJ: What right have you to any of this money?

RD: Well, as an heir and as a son, plus I helped put the whole darn thing together in, in early fifties, and the--

DJ: You mean at one time you were a Scientologist and were compatible with your father in terms of his views?

RD: Oh, very much so. I was Director of Training, helped put together a lot of the courses and a lot of the basic techniques and I was deeply involved from 1952 to 1959.

DJ: Is it phoney?

RD: Yes. There's been just absolutely thousands of affidavits and testimony in dozens of legal cases over the years, particularly in the last 3 or 4 years which have attested to that.

DJ: Does your father and his followers know it's phoney?

RD: I think so, but they keep, they keep following on.

DJ: Well, with that kind of income I can see, you know there's a lot of reason to keep the plow going through the field. The reason I ask it in that manner, it would seem to me then what you're claiming is that it's simply fraudulent.

RD: Yes, and again, this is being proven over and over in court. Over the last few weeks and months they've lost some quite major court cases, particularly back East.

DJ: I was talking to a fellow the other day, I can't remember who it even was, but he was saying that he been-worked in an office building in LA, and there was a Scientology setting there near his building, and he'd walked to lunch and every day there would be somebody out there on the street from the Scientology group trying to talk to him, and it became just sort of a cat and mouse issue. They would debate and argue and discuss. What would somebody do if they ran into a Scientologist? The Scientology argument is firm and sharp and well thought out. I've never met a Scientologist yet

that didn't seem bright and accurate and aware and all this stuff. What would you recommend somebody do if they meet a Scientologist and start talking to them?

RD: Well, I certainly would keep your money in your pocket. You start out with, as I said, Dianetics and, and if you go any further into it you take some tests which pretty well prove conclusively that you're absolutely psycho and if you don't get help immediately you're going to really hurt somebody or yourself oneti--very soon. And it starts out with just a few dollars, sometimes it's free, and then the next level or the next activity is a few more bucks and a few more bucks so to the point where pretty soon you're into it up to your eyeballs and ah, because they keep in it very accurate track of your life and they really investigate it a great deal and ask you a lot of questions, and they keep records of it, and if you get too far out of line then they waive it in front of your face and say "Well if you talk we're gonna let all of this stuff we know about you known."

DJ: You mean they actually black mail people in a sense?

RD: Yes, very much so. This is, it is called the "fair game" policy in which people's files, records and every last detail of their life is aired if you don't toe the mark.

DJ: Hmmm. What is Dianetics?

RD: Well, Dianetics is, was the beginning of it all, and it basically says that you have moments of pain and unconsciousness called "engrams" and the purpose of Dianetics, or the attempt is anyway, to eradicate these painful moments so that it can release your various abilities and powers.

DJ: And then it's developed from there. Are you in any danger? You imply in the interview in Penthouse apparently that you feel like some people from the organization would like to not have you amoung the living.

RD: Well, I've been an object of "fair game" policy of my father for the last 25 years, so I've had to sometimes be rather swift on my feet.

DJ: What are you saying Ron?

RD: Well, the problem my father has always had with me is that I knew the facts of his actual life and activies. 99% of what my father ever wrote or said about himself is totally untrue and most of that is now coming out and proven. And --

DJ: OK, but you're saying your father's tried to what, do you in?

RD: Yup. And he's also tried to keep me shut-up with fear force and intimidation and that sort of thing over the last quarter century.

DJ: Where are you now?

RD: I'm here in Carson City, and ah, Carson City, Nevada.

DJ: Next court stop for this is when?

RD: It should be in the next few weeks.

DJ: OK. Well, listen, thank you for taking time to share your perspective and your side of the story with us, and good luck.

RD: And you're most welcome. Thank you.

DJ: Thank you sir. Ron DeWolfe, son of L. Ron Hubbard.

DJ #2: And I think we ought to emphasis that little comment that you made in the closing--his side of the story.

DJ: Sure, no question.

DJ #2: This is certainly one side of the story and many of the things, at least according to court documents, and so on, that he claims he has been yet unable to prove.

DJ: Yea, yea.

DJ #2: So, it may or it may not be true, but it's certainly his word spoken at this time only.

Law Offices of Barrett S. Litt
617 South Olive Street, Suite 1000
Los Angeles, California 90014

(213) 623-7511

Attorneys for Respondent
MARY SUE HUBBARD

FILED
RIVERSIDE COUNTY
MAR 22 1983
WILLIAM E. CONERLY, Clerk
P. Smith Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

In re the Estate of L. RON HUBBARD.	Case No. 47150 ORDER DENYING PRO HAC VICE APPLICATION OF MICHAEL J. FLYNN

On March 17, 1983, the court heard and ruled upon petitioner, Ronald DeWolf's, application for the admission of attorney Michael J. Flynn to appear pro hac vice as petitioner's counsel of record in this case.

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Petitioner DeWolf was represented by his counsel, Wilkie Cheong, and respondent, Mary Sue Hubbard, was represented by her counsel Barrett S. Litt. Attorney Michael J. Flynn also appeared and argued.

The court ruled and now enters an order as follows:

(1) The application for the admission pro hac vice of attorney Michael J. Flynn to appear as counsel for petitioner is denied. The court finds that Mr. Flynn is disqualified from acting as Mr. DeWolf's counsel in this

proceeding because he has a conflict of interest with L. Ron Hubbard, his estate, and his heirs (including Mary Sue Hubbard), in that Mr. Flynn is representing litigants seeking damages from L. Ron Hubbard and Mary Sue Hubbard, and in that the purpose of this proceeding is the protection of L. Ron Hubbard, his assets, his estate and his heirs. The court further finds that petitioner DeWolf cannot waive that conflict on behalf of L. Ron Hubbard and his estate and other heirs, and that there has been no waiver of this conflict of interest by either L. Ron or Mary Sue Hubbard, or the other heirs of L. Ron Hubbard.

(2) Neither Michael J. Flynn, nor his associates, Thomas Hoffman and Thomas Greene, may act as counsel for the petitioner in any further proceedings in this case, including discovery proceedings, whether in California or elsewhere, with the exception as stated in paragraph 3 below.

(3) With respect to those out of state depositions which are presently scheduled to proceed and for which commissions have been issued prior to March 17, 1983, Mr. Flynn may appear as counsel for petitioner to take those depositions. This limited exception to the court's disqualification of Mr. Flynn is granted at the request of the petitioner on the ground that it had been previously planned that Mr. Flynn would take such depositions and that it would cause undue hardship on the petitioner to be required to arrange different counsel at this late date for those depositions.

(4) While Mr. Flynn or his above-named associates may not act as counsel for petitioner, as explained in paragraph 2 above, he or they may assist petitioner and his counsel in the preparation of petitioner's case and may attend depositions in the capacity of an advisor to the petitioner but not as petitioner's attorney.

The matter was also raised at the hearing of whether or not attorney Michael J. Flynn, in being granted access to discovery material in this case, is bound by the previously entered order of this court sealing disclosure and use of discovery obtained in this case. The court orders that Mr. Flynn and his associates are bound by that order and instructs Mr. Flynn and his associates to comply with it. This order was verbally communicated to Mr. Flynn at the above-hearing, and he expressed his willingness to follow it.

DATED: MAR 2 2 1983

J. DAVID HENNIGAN

JUDGE OF THE SUPERIOR COURT

3E:DWLF:IV:RDR:DNY

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TELEPHONE (213) 623-7511

BARRETT S LITT
MICHAEL S MAGNUSON
CARLA BARBOZA

RECEIVED
MAR 22 1983
SUPERIOR COURT 12

March 21, 1983

Judge David J. Hennigan
Riverside County Superior Court
Courthouse Annex, Department 12
4046 Orange Street
Riverside, California 92501

Re: Order denying Motion for Attorney Michael J. Flynn to appear Pro Hac Vice in In re Estate of L. Ron Hubbard, No. 47150

Dear Judge Hennigan:

Enclosed please find my proposed order on the above topic. I have attempted to reflect the court's decision as it was articulated at the hearing of March 17. A copy of this letter was forwarded by hand-delivery to counsel for Petitioner, Wilkie Cheong. Mr. Cheong did not feel that the reasons for the order should be set forth in it, and I felt that they should. I believe that the draft I have provided accurately reflects the basis of the court's decision, and I feel that the order should reflect this basis, particularly since Petitioner's counsel indicated that he was considering filing a petition for a writ of prohibition. Mr. Cheong apparently intends to send you a letter expressing his view that the order should not state the basis for the denial of the motion.

I have enclosed an additional copy of the order for return to me after you sign it. Thank you for your attention to this matter.

Very truly yours,

Barrett S. Litt

BSL:ams

cc: Wilkie Cheong

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

-o0o-

COPY

JANE LEE PETERSON and RICHARD J. PETERSON,
Plaintiffs,
vs.
CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,
Defendants.

Civil No. 81-3259-CBM

CAROL A. GARRITY and PAUL GARRITY,
Plaintiffs,
vs.
CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,
Defendants.

Civil No. 81-3260-CBM

THOMAS JEFFERSON,
Plaintiff,
vs.
CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,
Defendants.

Civil No. 81-3261-CBM

DANA LOCKWOOD,
Plaintiff,
vs.
CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,
Defendants.

Civil No. 81-4109-CBM

50

CHURCH OF SCIENTOLOGY OF CALIFORNIA,
Counterclaimant
Plaintiff,
vs.
MICHAEL FLYNN, THOMAS HOFFMAN, THOMAS GREEN, KEVIN FLYNN,
Counterclaimant
Defendants.

DEPOSITION OF RONALD DE WOLF

May 26, 1983

Carson City, Nevada

REPORTED BY: MARY E. BELL, CSR NO. 98

CAPITOL REPORTERS

OFFICIAL AND GENERAL COURT REPORTERS

820 ALHAMBRA BLVD., SACRAMENTO, CALIFORNIA 95816 (916) 446-2757

108 W. TELEGRAPH, CARSON CITY, NEVADA 89701 (702) 882-5322

Michael Flynn's office?

A. I believe so, yes, back in Boston a few weeks ago.

Q. Basically it's Michael Flynn who drafts these petitions that go into the court and then all of a sudden go straight to the media?

A. I don't know about going straight to the media. I do know that he is in the main prepared and/or his office or what have you has prepared quite a bit of it.

Q. And a lot of it is just his own information and not yours?

A. Information concerning my father's life and my life, yes, but I think it's put in a more coherent form.

Q. So anything after '59 is just stuff that you have no direct knowledge of and it's just stuff that you learned through Michael Flynn and third party sources?

A. Correct. My personal knowledge ends November 23rd, 1959, insofar as my scientology, within the organization goes.

Q. You talk about your father's extreme paranoid condition between '75 and '78 to conceal his location?

A. That's information and belief.

Q. But you just testified that you have not seen him since 1959?

A. That's personal knowledge, correct.

Q. So it doesn't seem to be an extreme paranoid

Researcher ←

TAPE ONE SIDE ONE PHOENIX MEETING JUNE 25 1983 LOS ANGELES
...Valerie Stansfield asking "Does everyone here have a copy of the Admin Scale of the Phoenix? Raise your hand if you don't have a copy and someone will pass it out to you. Keep your hand raised if you don't have a copy. (Some inaudible words..."in the mail"... "that's basically all we're about"

Most of us are Scientologists who believe that the tech works. Usually Phoenix meetings are held at somebody's home but due to the large crowd today we're having it here - and we have to pay for the hall and some other expenses so if you could leave a donation that would help us defray the cost. Thank you very much. I also want to point out that there's a no smoking rule here, we're on the premises of a Unitarian Church and we want to respect that as well as we can. The (inaudible) of anyone in the audience who might not be quite up to handle that. There are also is a mailing list on the outside table and if you would like to be on the mailing list of the Phoenix, please do leave your phone number too because it's often easier to call than write and we'll be able to get in touch with you about future meetings. I would like to announce some events since this is a meeting of the Phoenix we didn't have our meeting last week so we could have this one here today. On July 3rd we're having a picnic and you're all invited. I think it costs $25 a couple and you can pay for it over at the table on the side or when you arrive. On July 6, there's going to be spiritual inspirational services at the Revitalization Center which is my center down the street at 7:30 pm and you're all invited to that and I believe that the date is the 29th--it's this coming Wednesday--we're going to be teaching people how to do pleasure moment auditing so if you'd like to learn a very simple technique to make people feel a little happier, come by the Revitalization Center next Wednesday at night at 7:30. We'll get to try it out on each other too. I'd also like to tell you that I just flew in from the mountains in Utah and My name is Valerie Stansfield and I'm a Class IX Auditor and I know the tech works.
(applause)

Thank you. But I was standing there in the red rocks of Utah just 2 days ago looking at them, and thinking about this meeting that was coming and I renewed a reality which I've had before, I'm sure you have had too, which is that there's more theta than mest in this world. (applause) So from the viewpoint of infinity, which is the basic viewpoint that we all have, there is ARC and all contention will fall away, but it has to be confronted first. At the last meeting, somebody mentioned Michael Flynn, the lawyer who's been involved with the law suits against the Church of Scientology and somebody spoke up and said you know Michael Flynn is really the kind of person that he says he is, he isn't really the evil, suppressive hater of human spirits he's been made out to be. Somebody says What do you mean? Well, you know he believes that he's a spiritual being. In fact, he believes in reincarnation himself.

Well this is an outpoint, it didn't make sense, so somebody else spoke up and said, let's hear him for ourselves. Let's find out what he has to say. So we called him and invited him to come to L.A. and he was gracious enough to accept. I think that's all I have to say. THere's

Just briefly on the reason I came. The reason I came is to tell you everything I've told you, so you can decide for yourself if you can get your
mind to work and go out and find out questions--create your own organizations, democratic. I've read the principles of the Phoenix. When I when I when they were sent to me and I read it I said I've got to meet the person who wrote this. This is right, what's been being done is wrong. I'm not here to solicit clients. They'll sue me, one of the ways I'll get sued because of conspiracy to violate their civil religious rights abuse of process. They've never sued me for defamation. (laughter) I've been sued for basically conspiracy all these conspiracies oh deprogramming. They filed a $46 million Steven Miller he may even be here; Steven Miller filed a $46 million suit against me for involuntarily deprogramming him. (laughter) Well, a reporter called me on the phone and said you've just been sued for $46 million by Steven Miller, and I said who's Steven Miller? I'd never even heard of him! And the Guardian's Office put that suit along with the other 9 suits together and I got sued for that. So I get sued for these types of things so one of the suits now will be to sue me for soliciting clients cause I'm here; you're Scientologists or on the fence Scientologists or whatever so they'll claim that--so they'll--
I've got all the clients that I can handle, I don't need any more clients, I need to make some money
I need to get back to the practice of law and try medical malpractice cases and then support my family. Scientology's been an unending continuous loss. (laughter) And that's probably the bottom line. They have got all the money, they have got all the information(?) I am out a lot of money and I'm trying to speak out against them.
I encourage you people, in fact I exhort you people to confront what this organization has done.
In that confrontation, the gains that you got in your initial sessions of Life Repair in your initial auditing sessions, the gains
that you get in doing that confrontation and the wins you get by believing you can go up the Bridge on your own will be bigger than anything that the organization could ever give you and take your 30 or 40 thousand dollars. Thank you. (applause)

(after considerable applause) You embarrass me. Ok, to use the terminology, I'm fair game -- questions?

male voice: What happened to Quentin Hubbard?
(repeated by female & male voices)

Flynn: He was found in a car in Las Vegas with a hose going from the tailpipe into the car. He was taken to a hospital and a G.O. agent, one of my clients now, was sent in to steal some of the medical records pertaining
to the initial findings. Those records ended up, as Kima Douglas would tell you, in the hands of the G.O. with MarySue and Ron. The issue was whether or not--I think too in the minds of many people was whether he was drugged. There's a drug called pabulan(?) curare which paralyzes the musculature system which breaks down in the human body, it's virtually undetectable and if you gave a person a
1 15 milligram dose it would totally paralyze you without probably killing you for awhile but your involuntary breathing apparatus would

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274D

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JANE LEE PETERSON and RICHARD J. PETERSON, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3259-CBM (KX) ORDER
CAROL A. GARRITY AND PAUL GARRITY, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3260-CBM

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THOMAS JEFFERSON, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3261-CBM
DANA LOCKWOOD, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-4109-CBM
CHURCH OF SCIENTOLOGY OF CALIFORNIA, Counterclaimant Plaintiff, v. MICHAEL FLYNN, THOMAS HOFFMAN, THOMAS GREENE, KEVIN FLYNN, Counterclaimant Defendants.	

A Motion to Dismiss Plaintiff Paul Garrity submitted by Defendant Church of Scientology of California came on regularly for hearing on February 22, 1983 before the Honorable Consuelo B. Marshall. Defendant appeared by its counsel A. Thomas Hunt. Plaintiff Paul Garrity appeared by his counsel Julia Dragojevic.

Based upon the papers submitted by the parties and

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE:	DATE & DEPT.	NUMBER:
IN RE THE ESTATE OF L. RON HUBBARD, A Missing Person	12-15-82 12	47150
COUNSEL: Cheong & Denove Barrett S. Litt	REPORTER: None	

PROCEEDING:
NOTICE OF RULING ON SUBMITTED MATTERS

As to the motion to strike (other than the motion to strike is a sham pleading which has already been ruled on), the court rules as follows:

The motion to strike is granted as to Paragraphs 3, 5, 6, 7, 8, 9, 10, and 12b, all but the last sentence of Paragraph 13, the declaration of Petitioner, and the Exhibits attached.

The motion to strike is denied as to Paragraph 4.

The general demurrer for failure to state a cause of action is denied. Demurring party or any other persons desiring to plead to this matter shall do within 21 days of formal notice of this ruling.

The moving party, Mary Sue Hubbard, is ordered to give notice forthwith. As to service on any presently unserved interested parties, said service shall be of the Petition as Amended by striking the portions noted above.

HENNIGAN , Judge

/	R/A	/	CAL.	2	ATTY(S).		

Walk (as) , Clerk

FORM NO. 177. 2/64 MINUTES OF SUPERIOR COURT

(SPACE BELOW FOR FILING STAMP ONLY)

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FILED
RIVERSIDE COUNTY
NOV 10 1982
WILLIAM B. COLLIER, Clerk
By F. Ingels Deputy

Attorneys for Petitioner RONALD E. DeWOLF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

In re the Estate of L. RON HUBBARD, A Missing Person.	CASE NO. 87136
	PETITION FOR APPOINTMENT OF TRUSTEE AND FOR ORDER FOR FILING OF PETITION AND FIXING DATE OF HEARING [Probate Code Sec. 260 et seq]

COMES NOW RONALD E. DeWOLF, and petitions the Court as follows [as used herein, the term "absentee" shall mean and refer to the "missing person" as defined at Probate Code Section 260]:

1. Petitioner resides at 1401 East Long Street, Carson City, Nevada 89701. Petitioner is the oldest son of L. Ron Hubbard, having been born on May 7, 1934 in Encinitas, California to L. Ron Hubbard and Margaret Louise Grubb Hubbard. Petitioner changed his name from L. Ron Hubbard, Jr. Jr., to Ronald E. DeWolf in 1972. The allegations set forth in this Petition are supported in detail in the attached "Declaration" of Ronald E. DeWolf, herewith made a part hereof.

/ / /

Notice
☒ Posted
☐ Posted & Mailed
Deputy Clerk

Date of Hearing: DEC 30 1982
On Calendar:
Notice to Counsel: F. Ingels

2. The absentee, L. Ron Hubbard, has been absent and unheard from since March 1980 from his last and usual place of abode in Hemet, California. The absentee's present wife, former wives, children, relatives, friends and acquaintances, attorneys and accountants, have not spoken with, met or heard from the absentee since March 1980.

3. The absentee, if not deceased, is presently 71 years of age having been born on March 13, 1911 in Tilden, Nebraska. The absentee is the infamous, internationally known founder of, and absolute controller of the Church of Scientology and its various corporate entities including the Church of Scientology of California, (California), a corporation having a principal place of business in Los Angeles, California. Until March 1980, the absentee controlled all Scientology organizations with total and complete dictatorial power through the use of unlawful, illegal and oftentimes criminal means as hereinafter more fully set forth.

4. The following is a list of the absentees' living children:

1) Petitioner, Ronald DeWolf, son of L. Ron Hubbard and Margaret Louise Grubb.
2) Catherine M. Hubbard, daughter of L. Ron Hubbard and Margaret Louise Grubb, born January 16, 1936 at New York City.
3) Alexis Hollister Connolly, daughter of L. Ron Hubbard and Sarah Northrup Hubbard,

born March 8, 1950 at Point Pleasant, New Jersey.

4) Diana Horowich Hubbard, daughter of Mary Sue Hubbard and L. Ron Hubbard, born September 24, 1957 at St. John's Wood, London, England.

5) Suzzette Hubbard, daughter of L. Ron Hubbard and Mary Sue Hubbard, born in early summer, 1957 in Washington, D.C.

6) Arthur Hubbard, son of L. Ron Hubbard and Mary Sue Hubbard born in 1958 in Washington, D.C.

5. The absentee has lived a life characterized by severe mental illness and physical disease, consistent failure, and the use of false and fraudulent, oftentimes criminal means, to cover up these failures and to acquire wealth, fame and power in order to destroy his perceived "enemies". The absentee's life consists in part of the following: (1) He left or flunked out of three high schools; (2) He misrepresented his age to the United States Marines where he was subsequently asked to leave for unknown reasons; (3) flunked out of George Washington University, after three semesters; (4) He commenced a career as a science fiction writer for pulp magazines; (5) He attempted to acquire fame by making false claims concerning participation in scientific and explorational expeditions which he sent to Who's Who in America at various times; (6) He became involved in occult practices as an adherent to the cult of Aleister

Crowley called the "OTO"; (7) He generally engaged in perverse, abusive and bizarre practices such as "abortion rituals" with his first wife, Margaret Louise Grubb; (8) During World War II while serving in the Navy, the absentee was relieved of duty on numerous occasions, reprimanded, declared unfit for duty, apparently concealed a gasoline bomb on board the U.S.S. Algol in order to avoid combat, and in September 1945 became an in-patient for psychiatric and physical disorders including duodenal ulcers at the Oak Knoll Military Hospital for a period of more than three months.

6. At the conclusion of World War II and after his discharge from the Oak Knoll Military Hospital, the absentee's physical and mental health continued to deteriorate. This deterioration was reflected by the absentee's continued requirement for psychiatric treatment, suicidal tendencies and ideation, drug addiction, venereal disease and impotency, wife beating, bizarre "black magic" occult practice, forgery, writing bad checks, and miscellaneous fraudulent activities including bigamy. In 1947, the absentee defrauded John W. Parsons of approximately $20,000.00 in cash, became involved in a bigamous marriage with Parson's girlfriend, Sarah Northrup, on August 10, 1946 at Chestertown, Maryland, while he was still married to Margaret Louise Grubb. The absentee did not secure a divorce from Margaret until December 24, 1947 at Port Orchard, Washington.

/ / /

7. Between 1947 and 1970, the absentee published numerous books, periodicals, and news bulletins, copyrighted in his name and published by the Church of Scientology, which publications grossly misrepresented his background, including false claims that he was a graduate of George Washington University, a medical doctor, a nuclear physicist, a graduate of Princeton University, a war hero, having served four years of combat in the United States Navy who was crippled and blinded as a result of his war service, and who had done approximately 20 years of extensive research into "case studies" that were discussed in his various publications. In fact, between 1946 until his disappearance in March 1980, the absentee suffered from paranoid schizophrenia, was sought after by numerous state and federal agencies, has been the target of numerous lawsuits throughout the world, and has used the Church of Scientology to perpetrate continued fraudulent and oftentimes criminal schemes, including grossly inaccurate misrepresentations concerning his physical and mental health.

8. At various times, between 1946 and March 1980, the absentee demonstrated numerous indications for severe mental illness and legal incompetency including the creation of extravagant plans and operations to burglarize, infiltrate, "penetrate", and "take over" the United States Government through such maniacal schemes as "Operation Snow White" and numerous other such "operations". These were designed to acquire "intelligence information" to take control of

in part by approximately 30,000 documents which are in the possession of the petitioner and his counsel covering a period of approximately 30 years wherein the absentee and his third wife, Mary Sue Hubbard, using the Church of Scientology as an agent, conspired to attack and destroy all of his perceived "enemies" including hundreds of journalists, former Church members, judges, lawyers and prosecutors. Mary Sue Hubbard and eight of the absentee's highest agents were convicted on or about November 1979 for a variety of crimes pertaining to this scheme, including obstruction of justice, perjury, kidnapping, burglary of the United States Attorney General and the Internal Revenue Service, and conspiracy to commit some of the foregoing crimes. Two additional high level agents were convicted in 1981 of similar crimes. The overall criminal conduct of the absentee reveals a condition of severe paranoia and incompetency.

9. Between approximately 1950 and his disappearance in March 1980, the absentee routinely engaged in elaborate "intelligence operations" to conceal the location of his assets and the assets of the Church of Scientology, over which he had total control, routinely utilized false signatures and false records to conceal said assets and to control the Church of Scientology, including the forgery of corporate records, the requirement that all members of all boards of directors of all Church of Scientology corporations sign undated resignations in advance, the use of approximately 10 individuals who regularly forged his signature between the years 1965 and up to his disappearance in

March 1980, and the use of elaborate "operations" to conceal his location. Numerous assets were placed in the names of straws, some of whom were attorneys, millions of dollars in cash was couriered throughout the world, all as a result of the absentee's paranoid fears that there was an "international conspiracy" against him, led by approximately 12 international branches including the Rothschild and Rockefeller families and officials in the Bank of England.

10. Between approximately 1970 and March 1980, the absentee's health began to severely deteriorate. During that period of time, the absentee suffered from three pulmonary emolisms, severe and chronic arthritis, duodenal ulcers, chronic viral pneumonia, numerous broken bones from minor physical contact such as fracturing his wrist on one occasion when he attempted to swat a fly, and persistent suicidal inclinations. Although the absentee has falsely represented his health condition to the public and to members of the Church of Scientology as being "perfect" in order to convince the public that Scientology and "Dianetics" are guaranteed to achieve perfect health, in fact the absentee has been seriously mentally and emotionally ill since at least 1945. In October 1978, the absentee suffered from a severe pulmonary embolism at Hemet, California for which he was treated with electroshock and various medications, including Coumadin. On or about October 1978, the absentee almost died as a result of his severely debilitated physical and mental health, and he instructed his "personal medical

officer", one Kima Douglas, the person who cared for all of his physical and mental ministrations, to "bury him in the date fields" surrounding Hemet, California and "not tell anyone."

11. Between March 1980 and the present date, there has been no communication of any nature or description to any Church of Scientology official, relative, friend, acquaintance, attorney or accountant, including his children and his wife, Mary Sue Hubbard. The severely debilitated physical and mental health of the absentee, together with the absentee's mental incompetency and suicidal inclinations, together with the fact that numerous governmental agencies throughout the world are presently seeking his presence for pending grand juries, together with the absentees' psychiatric history support the conclusion that the absentee is now deceased or mentally incompetent and that his affairs are now being managed by unknown persons.

12. Between approximately October 1981 and up to and including the present date, there has been a continual dissipation of assets belonging to the absentee which includes the following:

a) On or about March 1982, several officials of the Church of Scientology of California surreptitiously acquired all of the copyrights to all of the absentee's publica-

tions covering a period of approximately 30 years. These copyrights have an inestimable value and apply to virtually every publication ever issued by the Church of Scientology over the past 30 years but which are copyrighted under the personal name of L. Ron Hubbard, the absentee. In addition, the Church of Scientology and several officials have acquired all of the rights to the "E-Meter", which is a device developed by the absentee and used by Scientology in connection with its activities and production of income. The E-Meter rights have an inestimable value. These assets are located in California at the corporate headquarters of the Church.

b) On or about June 14, 1982, an individual approximately 20 years of age of Arabic extraction, attempted to deposit a check in the amount of $2,000,000.00 in the Mid East Bank in New York City. Said check was drawn on an E.F. Hutton brokerage account of L. Ron Hubbard, the absentee, and made payable to an individual named Aquil Abdul Amiar. The bank upon which said check was to be collected, the New England Merchants Bank, conducted an

extensive investigation to obtain authorization for said check from the absentee, but was unable to. For a period of approximately 10 days, said bank contacted the highest officials of the Church of Scientology, who provided said bank with inconsistent, confusing and potentially fraudulent instructions as to the source and legitimacy of said check. During said investigation, the bank learned that Hubbard's original signature on a signature card of said account had been forged by a Scientology official, and thereafter froze said accounts. The petitioner is presently unaware of the status of said account but has learned that millions of dollars were removed from said account just prior to the discovery of the subject $2,000,000.00 check.

c) During the same period of time in June 1982, the petitioner learned that an individual named Jim Isaacson, representing himself to be the personal financial representative of L. Ron Hubbard, attempted to sell approximately $1,000,000.00 of precious stones belonging to the absentee on the wholesale market in Los Angeles, California. The petitioner believes that

officials of the Church of Scientology are unlawfully in possession of the absentee's accounts and are dissipating said assets.

d) Approximately 10 to 20 million dollars in liquid assets of the absentee is controlled and managed through several brokerage accounts in Los Angeles including an E.F. Hutton account. These accounts are being managed by individuals who have routinely forged the signature of the absentee over the past several years. These individuals live and work in the area of Los Angeles and have control of approximately one million dollars of valuable coins belonging to the absentee.

13. The present wife of the absentee, Mary Sue Hubbard married the absentee in 1952 but agreed in writing immediately prior to the marriage to divorce the absentee whenever he desired. Mary Sue Hubbard acted as the direct agent of the absentee in all of his criminal and fraudulent enterprises, was personally knowledgeable of the absentee's severe mental illness, and she remained his agent until at least December 1978. Mary Sue Hubbard has filed an affidavit in connection with pending litigation stating under the pains and penalties of perjury that she has not seen, communicated with, or received any indirect communication from the absentee since March 1980.

14. In September 1982, approximately 30,000 documents belonging to the absentee were surrendered to the Clerk of the Los Angeles Superior Court in the case of Church of Scientology v. Armstrong, Docket No. C 420 153. These documents do not belong to the Church of Scientology. The absentee entrusted said documents into the possession of Gerald Armstrong, one of the absentee's closest and most confidential aides, as the absentee's personal representative in connection with the preparation of a biography. Said documents have an inestimable value, and if possession of said documents is obtained by Scientology, they will be destroyed. The documents rightfully belong to the absentee, the absentee's estate, or to Armstrong, but the Church of Scientology as currently controlled by individuals adverse to the interest of the absentee, is seeking to acquire control over said documents.

15. Control over the Church of Scientology and over millions of dollars of the assets of the absentee is currently held by one David Miscevage, a 22 year old with a 9th grade education, who together with one James Isaacson and others, have been forging the signature of the absentee on numerous liquid asset accounts in the name of the absentee. Over the past 8 years, approximately 10 individuals listed in the attached Declaration of the petitioner have routinely forged the signature of the absentee in connection with his personal, financial and corporate affairs.

/ / /

16. A substantial likelihood exists that unless a Trustee is appointed to collect and hold the assets of the absentee and to represent the absentee and his lawful heirs, said assets will be dissipated, stolen and alienated, and the interests of the absentee in various litigation throughout the United States, including the Armstrong case, pending in this Court, will not be protected.

17. Petitioner is prepared and willing to act as Trustee to collect, hold and maintain the absentee's real and personal property under the direction of this court. Petitioner is a person entitled to participate in the distribution of the estate of the absentee if said absentee were dead.

WHEREFORE, Petitioner prays that:

1. The court order this Petition filed;

2. This Petition be set for hearing not less than ten (10) days from the date of the order as provided by law;

3. Notice of the hearing be given as provided by law;

4. Petitioner is appointed as Trustee of the estate of L. Ron Hubbard, a missing person; and

5. Such other and further relief be granted as this court may deem just and proper.

DATED: November 6, 1982

RONALD E. DE WOLF

CHEONG & DENOVE

By _____
Wilkie Cheong
Attorneys for Petitioner

FILED

APR 2[illegible]3

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY [illegible] DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CHURCH OF SCIENTOLOGY OF CALIFORNIA, etc., Plaintiff, vs. PAULETTE COOPER, Defendant.	No. CV 78-2053-RMT ORDER GRANTING EXTENSION OF DISCOVERY CUT-OFF DATE AND SANCTIONS
PAULETTE COOPER, Counter-Claimant, vs. CHURCH OF SCIENTOLOGY OF CALIFORNIA, etc., Counter-Defendant.	

This matter having come before this court for hearing on April 25, 1983 on plaintiff's motion to extend the discovery cut-off date and summary judgment briefing schedule, and this court having considered the argument of counsel and all pleadings and other documents filed herein,

/ / /

IT IS ORDERED that plaintiff's motion to extend the discovery cut-off date and the summary judgment briefing schedule is granted, and that the April 15, 1983 discovery cut-off date and the present summary judgment briefing schedule are vacated.

IT IS FURTHER ORDERED that plaintiff shall file a timely motion to compel as to all disputed discovery matters.

IT IS FURTHER ORDERED that the court shall establish a new discovery cut-off date and summary judgment briefing schedule at the hearing of the above motion to compel.

IT IS FURTHER ORDERED that plaintiff's motion for sanctions is granted and that defendant shall pay to plaintiff attorney's fees in the sum of $500.00 (Five Hundred Dollars).

Dated: APR 26 1983, 1983.

ROBERT M. TAKASUGI
United States District Judge

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 81-681-Mc

Magistrate No. 523-82-D

446B

PAULETTE COOPER

v.

CHURCH OF SCIENTOLOGY OF BOSTON, INC., ET AL.

ORDER RE MOTION OF CHURCH OF SCIENTOLOGY OF BOSTON, INC., PURSUANT TO RULE 30(g)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE FOR PAYMENT OF EXPENSES AND COSTS IN CONNECTION WITH THE DEPOSITION OF JOSEPH VARLEY

August 20, 1982

DeGIACOMO, U.S.M.

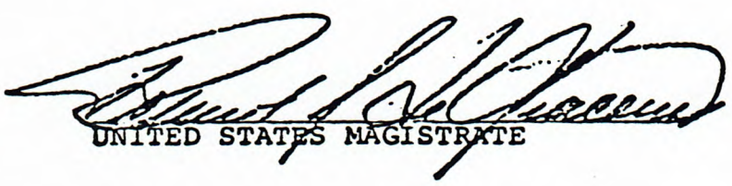
On February 22, 1982 plaintiff's counsel, Thomas G. Hoffman, Esquire noticed the deposition on oral examination of Joseph Varley for March 11, 1982, at 10:00 A.M. at the United States Courthouse in Washington, D.C. It is the position of the moving party that its counsel, Michael Lee Hertzberg, Esquire, travelled to Washington, D.C. on March 10, 1982, whereupon he contacted an Assistant United States Attorney to confirm the location of the deposition for the next day and was advised that the deposition had been cancelled on or about March 4, 1982. Mr. Hertzberg has filed affidavits in support of his claim of travel expenses in the amount of $160.00 round trip from New York to Washington, $121.00 for hotel expenses, and an attorney's fee in the

amount of $1625.00, being 13 hours work at $125.00 per hour. Detailed affidavits have also been submitted by the defendant's Boston counsel, Roger Geller, Esquire, in support of the motion, and by Mr. Hoffman in opposition.

A hearing was scheduled for July 21, 1982. This hearing was waived by the moving party in open court. David M. Banash, Esquire, also counsel for the plaintiff, was present. Mr. Hoffman was not. Mr. Banash was directed to inform Mr. Hoffman that he was to notify the court within one week if he desired a hearing, it being understood and agreed that absent such a request the matter would be taken under advisement. Mr. Banash did so inform Mr. Hoffman and no hearing was requested. The matter was taken under advisement. On July 30, 1982, Mr. Hoffman was before the court with Mr. Banash on other matters and requested leave to file a supplemental affidavit, which was allowed, there being no objection. He gave no reason for failing to submit the affidavit during the one week period allowed, admitted that he had failed to request a hearing within said period, and admitting to having been informed by Mr. Banash of the court's position. He then requested a hearing at some time in the future. I have considered that request and deny it by reason of Mr. Hoffman's failure to respond within the one week given and failure to advance any cause therefor. His supplemental affidavit was filed by Mr. Banash on August 2, 1982.

I have considered all affidavits filed. Neither of the Hoffman affidavits challenge the time, costs, or fee

computation in the Hertzberg and Geller affidavits. I find the time expended, the expenses, and the fees to be reasonable. The sole issue raised by Mr. Hoffman is his responsibility. I find he had an obligation to notify counsel that the deposition had been cancelled. I find that he negligently failed to do so. He is, therefore, responsible for the expenses and reasonable attorney fees necessitated by his conduct. See 4A MOORE'S FEDERAL PRACTICE ¶30.64 (1982 ed.). It is therefore ORDERED that Thomas G. Hoffman, Esquire will pay within 30 days of this date to Michael Lee Hertzberg, Esquire the sum of $1906.00, being expenses and attorney's fees.



UNITED STATES MAGISTRATE

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Attorneys for Defendant and
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Church of Scientology of California

274D

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JANE LEE PETERSON and RICHARD J. PETERSON, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3259-CBM (KX) ORDER
CAROL A. GARRITY AND PAUL GARRITY, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3260-CBM

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DANA LOCKWOOD, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-4109-CBM
CHURCH OF SCIENTOLOGY OF CALIFORNIA, Counterclaimant Plaintiff, v. MICHAEL FLYNN, THOMAS HOFFMAN, THOMAS GREENE, KEVIN FLYNN, Counterclaimant Defendants.	

A Motion to Dismiss Plaintiff Paul Garrity submitted by Defendant Church of Scientology of California came on regularly for hearing on February 22, 1983 before the Honorable Consuelo B. Marshall. Defendant appeared by its counsel A. Thomas Hunt. Plaintiff Paul Garrity appeared by his counsel Julia Dragojevic.

Based upon the papers submitted by the parties and

oral argument at the hearing,

NOW, THEREFORE, IT IS ORDERED that:

1. Defendant's Motion to Dismiss Plaintiff Paul Garrity is denied.

2. Plaintiff Garrity shall pay the amount of $300 in sanctions to the Defendant Church.

DATED: _____

_____
CONSUELO B. MARSHALL
United States District Judge

Peterson 8

My name is Tonja Burden of Las Vegas, Nevada. I am 20 years old. On March 3, 1973, when I was 13 years old, my father, who was a Scientologist, put me in Scientology under the control of L. Ron Hubbard. Hubbard started the organization in the 1950's and runs it like a military dictator. He has an intelligence group called the 'Sea Org' and a secret police called the 'GO' or the Guardian's Office which controls every Scientology "church" in the world.

After a period of indoctrination and brainwashing, I was placed on the ship, APOLLO, under the immediate command of Hubbard. The APOLLO was one of five ships operated by Scientology. There were approximately 500 Scientologists on the APOLLO. Two days after I arrived on the ship, they put me into the ESTATES PROJECT FORCE where I was forced to scrub clothes and do other menial labor sometimes for as long as 3 to 4 days at a time without sleep.

After 3 months of 18 hour work days, 7 days a week, I became the personal messenger of Hubbard. As his personal messenger, I was his personal servant 24 hours a day. I took care of his personal needs and also carried

Depo's Boston EXHIBIT 2
FOR IDENTIFICATION
E. Ann Quinn, Notary Public
Burden
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sleeping at the door to the storage area where we slept and crawled through an air duct on my stomach to an area where I could call my relatives who came and helped me escape.

Approximately 2 weeks after I returned home, two of Hubbard's agents came to my house and convinced me to have a cup of coffee with them. After I got in the car they said that they were taking me to Los Angeles to see Hubbard. In Los Angeles I was locked in a room and forced to undergo a "Security Check" on the E-Meter. I was very scared and crying and told them I had a family reunion to go to over the holidays and that I had relatives in the police department in Las Vegas and that I would come back in three days. I convinced them to let me go and they then left me at the bus station in Los Angeles where I returned home. For weeks afterwards, they constantly called me to find out when I would return, and I said "Never".

I was in Scientology from age 13 to age 18. I received approximately $2.50 a week pay for some weeks and at other times approximately $17.20 a week. I received no formal education and in fact phony classrooms were set up in Florida to demonstrate to educational officials that education was taking place. Scientology

Tonja Burden

Dft Boston's EXHIBIT 20
FOR IDENTIFICATION
Notary Public

11-20-81

TONJA C. BURDEN,

Plaintiff,

vs.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY OF FLORIDA, L. RON HUBBARD and MARY SUE HUBBARD,

Defendants.

IN THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

CASE NO. 80-501-Civ-T-K

Fort Lauderdale, Florida

April 21, 1981

10:00 o'clock A.M.

APPEARANCES:

WALT LOGAN, ESQ.,
Appearing on behalf of the Plaintiff.

DIXON, LAWSON & BROWN, ESQS.,
by JOHN R. LAWSON, JR., ESQ.,
-and-
GREGORY J. ORCUTT, ESQ.,
Appearing on behalf of Defendants:
Church of Scientology of California and
Church of Scientology of Florida.

LAW OFFICES OF ALAN GOLDFARB,
by ALAN GOLDFARB, ESQ.,
Appearing on behalf of Defendants:
L. Ron Hubbard and Mary Sue Hubbard.

ALSO PRESENT:

EILEEN WEIGAND
DR. MORTON MORRIS

DEPOSITION

OF

DONALD GABRIEL BURDEN

208A

I N D E X

Witness	Direct	Cross	Redirect	Recross
Donald Gabriel Burden	2 (Orcutt)	43 (Goldfarb)	X	X
	9 (Lawson)			

Deposition of DONALD GABRIEL BURDEN, a witness of lawful age, taken by the Defendants, for the purpose of discovery and for use as evidence in the above-entitled matter, wherein TONJA C. BURDEN is the Plaintiff, and CHURCH OF SCIENTOLOGY OF CALIFORNIA, CHURCH OF SCIENTOLOGY OF FLORIDA, L. RON HUBBARD and MARY SUE HUBBARD are the Defendants, pending in the United States District Court, Middle District of Florida, Tampa Division, pursuant to notice heretofore filed before ERIC A. BRAY, a Registered Professional Reporter and Notary Public in and for the State of Florida at Large, at the office of Freeland, Chertok & Briefer, 216 Southeast Sixth Street, Fort Lauderdale, County of Broward, State of Florida, on the 21st day of April, 1981, commencing at 10:00 o'clock A.M.

DONALD GABRIEL BURDEN

a witness of lawful age, being called as a witness by the Defendants, having been first duly sworn, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. ORCUTT:

Q State your name for the record?

A Donald Gabriel Burden.

Q What is your address, Mr. Burden?

A 7708 N.W. 40th Court in Coral Springs, Florida.

Q And who do you live with at that residence?

A My wife, two children, and my mother-in-law.

Q I thought there was a different address for your mother-in-law, or has that changed?

A My wife and I moved in with my sister-in-law for a little while, because my mother-in-law had her daughter there, and the whole family came down for the Easter vacation, and we moved out and stayed there, so they could move in the house there and stay, because they had a whole houseful -- there wasn't quite room enough for everybody.

We transferred over to my sister-in-law's.

Q How long do you plan on being there, for a while?

A No, maybe another couple of weeks.

Q Then where will you go?

A Back to my mother-in-law.

Q Where do you work?

A I work for Jerrard and LaRouche, Inc., out of Coral Springs.

Their office is located on University Drive in the American Bank Building.

Q And what do you do for them?

A Carpenter.

Q How long have you been working for them?

A I have worked for them now almost nine months.

Q Does your wife work?

A Yes, my wife just started working for Cypress Point, out of Coral Springs.

She is an accountant.

Q Certified, or just --

A Just a bookkeeper.

Q Well --

A -- bookkeeper and accountant.

She is the bookkeeper and accountant for the office, she is not a certified accountant, but is the head honcho.

Q Who did she work for prior to that?

A Prior to that, let's see, she had been off -- we had two children and was out of work then, but before that, she worked for Aacco Air Conditioning.

Q How long have you been in the Fort Lauderdale area?

A Eight years.

Q Do you plan on staying in this area?

A Probably.

The job is good, and if the work stays heavy, I will stay.

Q Tell me a little about your background, how old are you?

A I am 30 years old, and will be 31 on July 5th of this year.

I have been married for five years, I work hard, make my little bit of money, and make ends meet.

Q What is your wife's first name?

A Cheri.

Q She is your only wife, first wife?

A First wife, only wife.

Q Tell me a little bit about the Burden family, your brothers, sisters and parents?

A That would be rather difficult to do. The only one I have seen in the past ten years is my sister and my mother.

Q But just for the purposes of establishing some --

A Well, when I went to college, I lived with my brother, Arthur, and his wife and their two children in Carson City, Nevada.

Plus, at that time, my brother, Paul, was living up in Lake Tahoe, and my brother, Stanley,

was in Ohio.

And then he moved to Carson City, Nevada, and my Mom moved to Carson City, Nevada, and the whole family was living in Carson City for about two years.

And then everybody just went their separate ways after that.

Q So how many brothers are there?

A Five boys and one girl.

Q You mentioned yourself, and Arthur, who is Tonja's father?

A Yes. Paul.

Q Is he the policeman?

A Paul, he is a carpenter up in Portland, I think.

Q Then the fourth brother --

A Stanley, he is an alcoholic.

Q And who is the fifth?

A Dusty, Leslie.

Q Leslie is the fifth?

A Yes.

Q I thought one of them was a policeman?

A No, that is my sister, and her husband is a metropolitan police officer.

Q Is that in Las Vegas?

A Yes.

Q What is her name?

A Nancy.

Q Her husband's name?

A Guy.

Q Now about your parents, are they alive?

A Just my mother.

My Dad is alive, but I have never met the man or seen him.

Q Is your mother remarried?

A She did, but then had an annulment.

Q Okay. So she, other than your father, was married one other time?

A Yes.

Q What is her name, your mother's name?

A Nelta.

Q She goes by the last name, Burden?

A Hamilton, I think.

Q Where does she live?

A In Kingman, Arizona.

Q Which of your brothers had you seen in the last ten years? I know you mentioned Arthur, was there one other one?

A In the last ten years, the only brother I have seen -- I take that back, Dusty, I saw Dusty eight years ago up in Pensacola.

Q Have you talked to any of your immediate family in the last five years?

A My mother, my sister.

In fact, Friday night, I talked to my brother Dusty, and wished him a happy birthday.

Q You talked to them --

A About once a month.

But only once have I talked to my Mom and sister, maybe.

Q Would Tonja Burden perhaps be the only member of your family that you have seen in the last ten years?

A Just about.

Q Okay.

A And I really didn't see her that length of time, either.

Q Have you talked to Arthur recently?

A No, I talked to him on the phone two years ago.

Q The last time you talked to him, was it in connection with Tonja and scientology?

A Yes.

Q You haven't talked to him since?

A No, I haven't.

MR. ORCUTT: John, why don't you take

over.

MR. LOGAN: I object to a panel-type discovery.

The rules provide that a deposition to be taken, is to be taken as testimony at trial, and the rules preclude a panel-type discovery, a panel-examination of witnesses.

MR. LAWSON: We are not going to have any duplication of questioning.

As a matter of fact, we thought there would be more background information, and now it appears that maybe the contact is that on which I will interrogate.

BY MR. LAWSON:

Q When was it that you saw Tonja Burden?

A Datewise, I can't remember, but it has been almost two years ago, it has been two years ago.

Q Where was she when you first saw her on that occasion?

A The first time I saw her on that occasion was at the Church of Scientology, the school of scientology or --

Q In Clearwater?

A In Clearwater, yes.

Q And what was the occasion for you being there?

A You see, two days or a day -- two days before, my brother Arthur called me long distance, and asked me if I would run up to Clearwater and pick Tonja up, and have her stay with me a couple of days until he gets enough money together to send her an airplane ticket to get home.

Q Did he tell you what prompted him to call you?

A No, he did not.

Q When was the last time you had seen Tonja before that?

A When she was nine years old.

Q Where was that?

A In Carson City, Nevada.

Q And how old would she have been when you saw her in Clearwater?

A She was seventeen.

Q When was the last time you had seen Arthur before he called you and asked you to get her?

A The last time I saw her and Arthur was in Las Vegas, Nevada, I think it was eleven years ago.

And all they were there for was a visit, they were getting ready to go to California, to get on to a boat for the Church of Scientology, and was going to take a cruise or something.

That was the last I knew, ever heard of anything to do with anything of that family.

Q Was she there on that occasion in Las Vegas, when they were getting ready to go on the boat?

A The whole family was there at that time, she was only nine years old.

Q What if anything did Arthur or his wife tell you about scientology at that time?

A At that time, I don't remember because it was eleven years ago, and at that time, they didn't say too much about it, because they all, more or less, just stopped by to see my sister and Mom, and just say, "Goodbye," you know, because they had loaded up, they were moving or leaving, whatever you call it.

Q You were located in Las Vegas at that time?

A No, I was up from Kingman, Arizona, to visit my sister, having a small reunion.

I think about that time, it was Thanksgiving or something like that.

Q Was your visit up there occasioned by Thanksgiving or by the fact that Arthur and Tonja and her mother were going to be there, or a little bit of all of that?

A A little bit of everything.

I think at that time, that my brother, Stanley, was there, and my brother, Arthur, and his wife and kids were there, and Paul was in Vegas at that time.

Paul was in Vegas, Stanley was there.

The only one that I know of that wasn't there was Dusty, and he was in Florida at that time.

Q He is the one with the drinking problem?

A No, that is Stanley.

Stanley is the one with the drinking problem, Dusty is the one that is just a year older than I am.

Q What if anything did you know about scientology at that time?

A Nothing. All I knew was it was some type of church, that more or less just educated people; it was an educational-type of schooling or church at that time.

Q Do I gather then that the conversation really didn't turn much during the course of that visit on scientology at all?

MR. LOGAN: Objection to the form of the question, it asks the witness to summarize what the attorney understands.

THE WITNESS: As far as I know, it wasn't, because most of the time, I wasn't even around

the adults or the older ones.

I was with Diane and my niece --

BY MR. LAWSON:

Q How old were you?

A Ten years ago, twenty years old.

Q So you really didn't hear much of anything about scientology?

A No, because I wasn't interested in it at the time.

Now, what my mother and brother or sister and them, what they talked about, I really couldn't say for sure.

Q Did Tonja and her family leave while you were there, or did they leave after you left, or did they all leave sort of at the same time?

A All about left the same time.

We had to go back to Kingman, Arizona, and they were going one way, we were going another way.

Q What was the nature and extent of your contact with Tonja and her family, after Las Vegas, and before the phone call to go to Clearwater?

A None.

Q No letters?

A I think I had one letter just to say, "Hi, how are you, how are you doing --"

Q Phone calls?

A None. I had made one, I made one phone call to Arthur to wish him a happy birthday once, and at that time, he was in Las Vegas working with another gentleman on his own business, and from what I can understand, was all that I could gather out of the conversation.

Q All right. Let's go now to the phone call from Arthur to you, to go up to Clearwater.

When I say, "up to Clearwater," I gather you were in Fort Lauderdale?

A Yes, I was.

Q Did he tell you where you might find Tonja?

A He gave me an address and told me that there is a church, a big sign, there is a church there, where it's at, and how to get there.

Q And were you to get her and bring her to Fort Lauderdale, until he could get the money to get an airplane ticket to her?

A I was asked to pick her up and to bring her down to my place, to stay for a couple of days until he could get enough money together to give her an airplane ticket home, and I said, "It will be great, I haven't seen her in ten years, it would be nice for her to come

down and visit for awhile."

Q Did he give you any instructions or information with regard to how to get in touch with her, other than an address, and a big sign for the church --

A That is it. I was given an address, I was to go there, and ask the people at the desk for her.

Q What did you do then?

A Well, I think that was on Wednesday, and I left Friday night, it was Saturday -- first thing Saturday morning, I left and drove up there.

I got there Saturday, late Saturday afternoon, and located a hotel room.

I figured that I would stay the night, and leave the next morning to come back.

Then I located the church, and located Tonja.

Q All right.

A You have to realize, it was two years ago, and I want to go as slowly -- with as much detail as possible.

Q After you got to the motel room, then you went to the church?

A Yes. Well, after I got to the motel room, I located the church, and then I tried to find a parking place, which wasn't easy.

Then I went in and asked the lady at the desk for Tonja Burden, and she said, "Sit down, it will be a couple of minutes, I will call her."

So I sat down and waited for awhile, and Tonja came down the elevator with a young man.

I said, "Hi," gave her a big hug, and she introduced me to the young man as her boyfriend at that time.

Q What was his name, do you recall?

A I don't know, I think it was Tim or something.

Q Something like Tim?

A Yes, Tim or Tom.

Q What did he look like, could you describe him?

A If I can remember, he was about five-ten to six foot.

He was slender, wasn't very heavy, about 160, 170.

He was a talkative person, asked all kinds of questions.

Other than that, I can't remember too much, anything about him.

Q All right. You met her, hugged her, she introduced you to him and said that he was her boyfriend.

What did you all do then?

A We sat down a few minutes and talked, and I said, "Are you ready to go?"

Q You were kind of in the lobby area?

A Yes, we talked for awhile about the family, how is everything and all that, because I really didn't know -- I haven't seen Arthur for such a long time, and I remarked on how she has grown since the last time I saw her.

I asked her if she was ready to leave, and right away, I think the gentleman said, "Ready to leave, where are you going?"

And then I turned and looked at her, and she said, "We are going out to dinner."

Then it was, as far as I can understand it, there was something going on that I knew nothing about at that time.

I just kept my mouth shut and let her do the talking, because the minute she opened her mouth and said something, that is when I knew that there was something that I didn't know anything about, that was going on.

Q Do you recall what she said other than that she was going to dinner?

A That is all. "We are going out to

dinner," and then, "We will be back later."

And that is when -- what is his face, the young man was supposed to be going with us, and at that time, I kind of shook my head like no, he is not.

I haven't seen my niece in ten years, and I would like to take her to dinner and talk to her.

But then, she said a few things and they stepped off and had some conversation, and she said, "Wait here, I will be right back."

She went down the steps, around the corner and down the stairs.

Q You were all in the lobby area?

A Yes, up where the elevators are.

Q And then did Tim go with her, or --

A He stayed there and sat next to me, and started asking me all kinds of questions.

Q What were some of the questions that he asked you?

A Well, like, "I hear you play professional football with the Miami Dolphins."

I said, "No, I played a little professional baseball, not football."

And then he said, "Are you just up here for a visit?"

I said, "Well, I found out that my niece

was close by, and I thought I would like to see her.

"She is a part of my family, and I haven't seen her in a long time."

Then he was starting to ask me, "How long do you plan on staying, what do you plan on doing," and things like that.

I kind of, from that point, I buttoned up my lip and didn't say any more.

MR. GOLDFARB: This is Dr. Morris, who works with me, he is graduating from law school.

MR. LAWSON: Let me hear that last question?

(Whereupon, the court reporter read back the last question.)

BY MR. LAWSON:

Q Then what did he say or you say, or did Tonja come back?

A Nothing. And at that time, I was wondering what was going on. I got up and turned and went down, around the corner and down stairs, or around the corner and looked to see if I could see Tonja, and she was down there talking to a young lady, and another man, and also talking on the telephone.

She looked up and saw me, and told me to come downstairs.

So I went downstairs, she handed me the phone, and said, "Here, this is Arthur, talk to him."

Q Her father?

A Yes.

Q Okay. What did Arthur say?

A I answered the phone, and Arthur said, "Gabe," just listen to Tonja, don't say anymore, she will explain everything later."

I said, "Yes, okay, fine."

He said, "Don't say anything to anybody about anything, okay?"

I said, "Fine." And that is what I did.

Q Then you gave the phone back to her?

A No, I hung up.

Q All right. What happened then?

A Tonja told the people that we are going out to dinner, and that we will be back in an hour or two, and I said, "Fine."

The young man said, "Is so-and-so going with you?"

Tonja said, "No," and from what I can understand, then he tried to have this other lady that was there go with us, and we both said, "No."

Q Then what happened?

A I went upstairs and waited for awhile,

and then she went with the young man and young lady, and I went upstairs, sat back down, and waited for a few minutes.

Q The young man you are referring to, is the one back by the phone?

A Yes. She didn't introduce me to him, I don't know who they were.

Q Where did they go?

A That, I don't even know.

Q Did they go in the elevator --

A Let's see, yes, Tonja went upstairs with one of them, and up the elevator, and I sat down and waited.

She came back downstairs and told me to go wait in the car, that she would be out in a few minutes.

Q About how long was she gone at that point?

A Maybe five minutes.

Q All right. So then you went to the car?

A Yes.

Q And did anyone come to where you were or follow you or anything?

A No. Tonja came out the door about five, maybe ten minutes later, came over, got in the car, and we went to dinner.

Q Where did you go?

A We went to a little steak house right there off of the main street, where the church is -- there is a corner there, there is a main road where there is a corner, and we turned heading east, went down quite a ways.

I saw like a steak house, and we pulled in, went inside and had dinner.

Q You went east on what appears to be kind of a main street in Clearwater?

A Yes.

Q Did you select the place to eat, or did she?

A Neither one.

We started going down the road, driving along, and I said, "Why don't we stop and have dinner?"

So I pulled in there, and neither one of us decided on what we were going to have.

Q And what did she tell you in route about going to dinner or leaving or anything?

A The only thing she told me was the fact that she was really anxious to get home, and that she wanted to get out of that school, and that was it.

I didn't really pursue the fact or anything, why or whatever, I thought that is her business.

Whatever she did is her business, and I

didn't follow up on any of the questioning.

Q Did you ask her anything about Tim or the other people trying to [illegible] dinner with you all?

A No.

Q When you got in the restaurant, what did you all talk about?

A We talked about ten years ago when she was a little girl, and I was going to college.

We talked about how she was, how Debbie, Art and Cathy were, the family stuff. It was a family discussion, and how everything is.

How she was coming along, and what she has been doing. She was telling me that she has been on a boat cruise and she has been all around the ocean, and about.

Q Did she discuss scientology?

A No.

Q Now, going back to the phone conversation with Arthur, where he said, "Just don't say anything to anybody, do what Tonja says."

Did she give you any information about what you were to do or say?

A No, she just told me, "Don't worry about it," that she will handle everything, and I said, "That is fine."

Q By, "Don't worry about it," what did she mean --

A About whatever was going on at the church, or whatever had happened, don't worry about it --

Q Did she appear to be agitated or upset?

A Nervous, yes.

Q Throughout the conversation, or when she was talking about --

A [illegible] at the school, before we left.

Q She was nervous at the school when you got in the car, and at dinner, she was not?

A She sat down, took a big deep breath, lit up a cigarette and --

Q Then you all --

A -- I lit up a cigarette, we sat down, she sat back, took a deep breath of fresh air, and that was it, that is all she said.

Q Did you ask her how Tim would have come to think that you played football for the Miami Dolphins?

A No, I forgot all about it, I didn't -- I wasn't interested myself.

Q Did you ever ask her that?

A Not that I can remember.

Q Where had you played professional baseball?

A I only played a little minor ball, that was in Arizona with the Giants' team out of Tampa, which didn't last long, either.

I hurt my left ankle, tore out the ligaments and tendons, and they gave me a waiver, and sent me on the road, and I was laid up in a cast for almost six months.

When I tried to get back into it, whoever looked at my doctors' records about my ankle, said, "Forget it."

Q How long were you all at dinner?

A Roughly about an hour and a half.

Q Did she appear to be in any rush to get back to the church?

A No.

Q Who suggested that you all return to the church?

A Neither one of us.

Well, we left the steak house, got the car started to drive, and I said, "What do you want to do now?"

She said that she would like to go and pick up her stuff, and I said, "Fine, we will pick up your stuff."

We drove back to the Church of Scientolo

and when we went down across the front of it, where there is an opening, there is a driveway, and she said, "Make a right here."

I pulled in the driveway, went up the circular drive, and she said, "All these boxes here are mine. You load them up, I will be out in five minutes. There is something I have to get."

She went inside, and I loaded them up, and sat there and waited.

She came out, got in the car, and we left.

Q Did she appear to be excited or nervous at that point?

A Yes, at that point, she seemed a little -- her adrenalin was starting to flow.

Q About what time would this have been that you all got back to the church and drove up into the garage?

A Roughly about 7:30, it was still light out.

Q And you said boxes -- was it luggage or boxes?

A There were a couple of suitcases, a couple of boxes, and she had a couple of boxes all taped up, blankets, things like that.

Q Blankets and things like that?

A Yes, for sleeping, bedding.

Q Then she got in the car and you all left?

A Yes.

Q Where did you go at that point?

A At that point, we went back where I was staying at the motel room, we went in, sat there and talked for a little while.

I said, "Well, it is still early, maybe we can get to my place by 2:00 o'clock in the morning."

At that point she said, "Fine, let's go," so I grabbed my suitcase, I had put it in the car, and we drove back to Coral Springs.

Q When you drove up the ramp to where her luggage and boxes were --

A Yes.

Q -- was there anybody up in that area, did you see anyone?

A I saw no one in that area.

Q She went inside the building?

A Yes.

Q And then she came out by herself?

A Yes.

Q Did she say what she was going inside for, or what she did while she was inside?

A No, all that I noticed was that she went

in, grabbed a sweater and a guitar.

I think it was a guitar or she grabbed a sweater and left the guitar -- that is right, she told me that she had to leave her guitar there.

Q Did she explain why she had to leave her guitar there?

A No, she did not.

Q You all then drove to Fort Lauderdale?

A To Coral Springs.

Q Coral Springs?

A Yes, which is northeast of Fort Lauderdale by about 15, maybe 20 minutes.

Q To the east or west --

A Northwest, I should say.

MR. LOGAN: Northeast would be a little wet.

THE WITNESS: That is the ocean. Northwest from here, it's northwest.

BY MR. LAWSON:

Q Maybe west of Deerfield, something along there?

A Yes, Coral Springs is just northwest of Margate.

Q Did anyone call her after you all got to where you were going, Coral Springs?

A No, she made only one phone call and that was to her Dad in Vegas.

Q How long did she stay with you all?

A Two, three days.

Q And then she went to Las Vegas?

A No, I took her to the airport. Whether she went to Vegas from there, I don't know.

All I know is that I took her to the airport, and she got on a plane and left.

Q Did she receive any ticket from her father or --

A She picked it up at the airport, just a ticket, no money.

Q It appeared then that he had purchased a ticket there in Las Vegas, and arrangements had been made for her to pick it up --

A As far as I could tell, arrangements had been made.

Q When did you next hear from her?

A I didn't hear anything from her.

I heard from Arthur, he gave me a phone call and asked me how much it cost me to go up there, and get her, and that he would reimburse me.

Q Did he?

A Yes.

Q When you were driving down to Coral Springs from Clearwater, did you all discuss scientology?

A Not really.

We just drove and listened to some music, reminisced about back when, and that was about it.

I fell -- she fell asleep about an hour, and then I let her drive for a little while, and then I fell asleep.

When I woke up, she was lost, so I had to take over and drive the rest of the way, she made a wrong turn.

Q Did she appear to be nervous when she came out of the hotel to get in the car, into the garage with the sweater?

A No, in fact, she seemed more relieved than anything else.

Q And she was relaxed and relieved on the trip back?

A Yes.

Q And then while you all were in Coral Springs, did you or your wife or anyone discuss scientology with her?

A No, I didn't.

I wasn't really interested in it, because if it was related to the church, I am not a worshiper, and

if she wanted to tell me something, she would have told me.

I would not sit there and pry into her life, or anything like that.

Q So she really assigned no reason for her desire to leave the church?

A Well, let me put it this way, she didn't tell me anything, and neither did my brother, Arthur, until after I was approached by another attorney or somebody from the law firm for the Church of Scientology.

Q When was that, that you were approached?

A It would be about four months ago.

Q Who was that that approached you?

A I don't remember the gentleman's name, but all I know is that he handed me a card, and I don't think I still have that.

If I do, it is in my filing cabinet back at home.

Q After you were approached by that gentleman, what if anything did she say about her desire to leave scientology?

A She didn't say anything.

I had to get a hold of her, and I called her long distance, and I asked, "What the heck is going on?"

She told me that she was suing the Church of Scientology for millions of dollars or thousands of dollars, or whatever she said.

I said, "Why?" and she said because at that time, she didn't learn anything, and she was telling me that she was this and that, and a lot of other things that happened to her.

I said, "Well, that is fine, but how did I get in the middle of the whole situation?"

Q So the first you learned that she filed suit against the church was when the investigator came to see you?

A Yes.

Q Now, one of the things she said as to her reason for suing was that she didn't learn anything?

A She didn't learn anything, and the church turned her into a 17-year-old dummy --

Q What else did she say the church had done to her?

A Well, she told me also that they had made her a prostitute, and that they had imprisoned her while she was with them.

Q This was by telephone?

A Yes.

Q Tell me what she said about them making

her a prostitute?

A That is all, she said that they made her a prostitute, and at the age of 15, I think, that they had imprisoned her, and would not let her leave, and that the church had more or less not educated her.

Q Now, tell me what she said about the prostitution, other than making that assertion, she did not elaborate on it?

A Right. She put the bare facts out, and that was it.

It was this, this and this, and I didn't follow up on any of what she said.

Q What did she say about the imprisonment?

A Just that they had kept her from leaving, kept her from doing what she wanted to do, and couldn't go and come unless she was like some of the rest of the students.

Q Did you ask her -- excuse me, that she could not go and come like some of the other students could?

A Yes. The way she related it to me was that she could not leave without an accompanyist.

Q Without somebody being with her?

A Yes.

Q Did you ask her anything about her ability

to leave with you on the evening you were in Clearwater?

A No.

Q Did she indicate whether or not she was imprisoned, in that sense, at the time that you were in Clearwater?

A I don't understand the question.

Q Did she indicate that this alleged imprisonment was going on while you were in Clearwater?

A I still don't understand the question.

Q Did she mean that the imprisonment was continuous or that it occurred --

A Excuse me, she didn't say anything about that to me.

Q No elaboration?

A No.

Q So she did not indicate then whether or not this, "imprisonment," was a condition that she was in when you were in Clearwater that Saturday?

A No.

Q In addition to her claim that they did not educate her, made her a prostitute, and they imprisoned her, what else did she say that they did to her?

A That was about it.

The main thing was that she was uneducated, did not educate her; math, English, regular-like schooling.

Q That was the thing she put the most emphasis on?

A Yes. The most emphasis was the way she put it, "Here I am a 17-year-old, I can't get a job because I have no education", she couldn't read or write --

Q How long did the telephone conversation about the suit go on?

A Fifteen minutes.

It was a long-distance phone call, I couldn't afford it, and I made it short.

Q When did you talk to her next after that?

A I haven't talked to her since.

Q When did you next talk to her father?

A I haven't talked to him since.

All I have been talking to are lawyers and attorneys.

Q Did her father ever give you any reason as to why she wished to leave the church?

A No.

Q So the only explanation you really got from her was when she told you about the suit?

A Yes, why I was right in the middle of it.

I didn't know anything, and had nothing to do with it, that is as far as I could tell.

Q And you didn't inquire before when you

were over in Clearwater, and when she was in Coral Springs, because you considered that was her business, and you weren't interested in religion, one way or the other?

A Yes, that is the way I am.

Since I was a little kid, I have had religion driven down my throat to the point that if anybody brings up religion, or if I am at the beach and some churchgoer comes by and starts talking religion, I will pick him up and throw him across the beach.

Q That is because of what, now?

A Because I have been driven into church so much, you can get something pushed at you so much, that when you get old enough, you don't want to have nothing to do with it.

Q Who was that that did that pushing, your family?

A More or less.

Q Would Arthur have been subjected to that also, would he have been subjected to the same thing by your parents?

A No.

Q He was not?

A No. The reason I was is because I was the youngest one in the family, and I was still living with my mother, and my mother is really a Seventh-Day Adventist.

a churchgoer, the whole while, everything, and it got to the point when I had to sit there and listen to her read the bible.

That happened when Arthur had gotten married, and he was in the service at the time when she really started becoming a Seventh-Day Adventist.

Q What religion did your mother practice when Arthur would have been growing up?

A The same thing, Seventh-Day Adventist

Q She was not fervent about it?

A No, she wasn't really, because at that time, she was more or less concerned about taking care of the family, and also at that time, Arthur was more or less -- she was having problems with my father, and I wasn't even born yet.

Q What is the age differential between you and Arthur?

A Let's see, I am 30, and he has got to be about 45, almost 15 years -- I think there is 12 or 13 years between us.

I know my sister and I -- she was 17, Nancy was 17 years older, then Stanley is 16 years older, and comes Arthur, who is 14 years older, and Paul, who is 13 years older, and my brother Dusty, was a year older, and myself.

Q Did Tonja ever tell you anything about being threatened physically by the church if she endeavored to leave?

A Nothing that I can remember.

She didn't tell me anything about that.

Q Did she have any bruises or anything on her when you were there in Clearwater?

A She had her clothes on, I couldn't tell you.

Q Well, the face --

A No, nothing that I could see.

Q She said nothing about anything like that?

A No.

MR. LAWSON: If you would give me a few minutes, here.

MR. ORCUTT: Let's go in the other room.

(Thereupon, a short recess was taken.)

MR. LAWSON: Back on the record.

BY MR. LAWSON:

Q When you went to the church there in Clearwater on that Saturday, how was Tonja dressed, in a dress, did you notice?

A No, she had a pair of levis on, and when she came downstairs, she was wearing a pair of shorts.

She went upstairs with her -- no, I take

that back, she was wearing a pair of Levis and a shi[rt].

When she came downstairs, and when we left, she did not change her clothes.

Q Were they neat or dirty?

A Just average.

Q Did she look thin or pale or distraught?

A She always had been slender, all of her life, a little pale.

She had been that way -- she is that type of a young lady that has fair skin and blond hair, fair skin.

Q What did she tell you about the ship that she was on, her activities on it?

A None, not much. I didn't inquire about it.

Q Did she indicate whether it was pleasant or unpleasant or a unremarkable situation?

A. She just told me about a few places that they went to, and that is all she told me, and I didn't follow up on it.

I am not an attorney, and I don't question anybody.

If they want to talk, fine, and if you don't, that is fine.

Q Do you know whether or not Tonja has ever had a drug problem?

A No, not that I know of.

Q Have you ever heard that she had one?

A No.

Q No?

A No.

Q What about her father?

MR. LOVAN: Whether he had a drug problem

MR. LAWSON: Yes.

THE WITNESS: Whether he had a problem with drugs?

MR. LAWSON: Yes.

THE WITNESS: That, I don't know.

He never had, as long as I was around him, he never had gotten into it.

BY MR. LAWSON:

Q Have you heard from hearsay whether he may or may not have had a problem?

A Not that I know of.

Q And just as you didn't talk about scientology with her, I gather you also did not talk about scientology with him?

A No.

Q Do you know what Tonja's relationship has been with her father over the period of years, close, distant?

A That, I don't know.

If you are talking about Danny, that would be something different.

Q Who is Danny?

A The brother.

Q Her brother?

A Yes.

Q And what would be the answer on that?

A Well, from what I understand, Danny is just -- he more or less since he was about 15 years old has gone on his own, and has done what he wanted to do.

He is supposed to come down here to South Florida and live with me, and I had a job waiting for him and a place to stay and everything, but he never showed up.

Q I want to go back for a moment to your coming back from the restaurant, driving up in the garage and up the ramps, were there any guards or anything at the gates or at the door?

A No, not that I know of.

Q And you indicated that there was no one up there where her luggage and her boxes were.

Did you all pass anybody on the ramp going up or down, that you recall?

A Going down, we passed a young lady, and

a guy, that was all.

Q Were they just walking --

A They were just going up the ramp.

Q They didn't say anything or look at you all or anything like that?

A No.

Q Do you know the current address and employment of Tonja?

A No, I don't even know how to get a hold of her.

Q How did you know how to get a hold of her after the investigator got in touch with you?

A I called my mother, my mother called my sister, my sister called my niece, and my niece called me.

Q Collect, I gather?

A No.

Q And do you know where her father is, where Arthur is?

A In Las Vegas, some place, as far as I know.

Q Do you know what his employment is?

A No. All I know is that at the time, when I talked to him, he was self-employed with another man.

They had gone into acting school or something, they opened up an acting school at that time, along with a construction business, too.

Q Do you know of any problems that Tonja has had with law enforcement, arrests, anything like that?

A No.

Q What about her father?

A No. As far as I know, all I know about Arthur is that he never speeds, never drives fast, and he was always very careful.

He kicked my rear end once for getting a ticket, especially in his vehicle.

MR. LAWSON: That is all the questions I have.

MR. GOLDFARB: I have a few.

CROSS-EXAMINATION

BY MR. GOLDFARB:

Q During the three days that Tonja spent with you and your family in Coral Springs, did she appear to be a normal 17-year-old girl from what you could observe?

A Well, during that time, I was working two jobs, and I saw her maybe out of a day, maybe saw her about an hour, hour and a half, and during that time, my wife and her, they fixed dinner, did the dishes and

all that, and that was about it.

My wife talked to her more than I did during that period of time, because my wife was home.

We just had our first baby, and she was staying home.

Q Was Tonja able to help out your wife in whatever she needed to be done around the home while she was there the three days?

A Just housework.

Q Did she appear, from what you could observe, did she appear to be a perfectly normal 17-year-old girl for the brief period of time you spent with her those three days?

A I guess, yes, as far as I could tell.

She seemed a little slow when she came with her answers, but other than that, that is about all.

Q Were you able to converse with her and communicate with her without any difficulty, weren't you?

A Yes. She didn't use large words at me, just basic talk.

Q And you probably didn't use large words at her?

A No, that is why I wear this.

Q Did she physically appear to be in good condition from what you could observe?

A Yes. Physically, she was all right.

Q Did you see her at any time during those three days after a shower, when she might have been partially undressed, to see whether or not she was in any way bruised or did you see any marks on her body?

A She had one bruise right here on her leg, it wasn't very big, it was a small one as far as I could remember.

That was the only one I saw that only time, when she had a pair of shorts on.

Q Did you ask her how she got that bruise?

A No, I did not.

Q When you left the building in Clearwater, when you went up this ramp, were the bags and luggage already outside --

A Yes.

Q -- of the front door, or --

A They were outside, next to the elevator.

Q It was similar to checking out of a hotel, the bags were lined up outside, you put the bags in the car, and Tonja walked into the car and you got into the driver's seat and took off?

A Yes, the only thing that made it peculiar was the fact that she said, "Hurry up as fast as you can, if anybody comes by, just tell them you are

picking up some stuff for somebody."

Q No one physically tried to prevent you from taking Tonja in the car or that night, did they?

A Not physically, no.

I wish them luck if they did.

Q Have you talked with Mr. Flynn at all about this situation with Tonja, and this lawsuit?

A Briefly. The only thing that Mr. Flynn had asked me is when I was supposed to give my deposition, and if I was going to give a deposition, or if I had given one to anybody prior to receiving my notice, and I just explained to him that I knew nothing, and all I know is that I went up there, picked her up, brought her back, and that was about all.

I got a letter from Mr. Logan, with a copy of the papers that were going to be served to me, and that was it.

Q The conversation, the phone conversation that you had with her, this came about after you had been approached by somebody from the Church of Scientology?

A Yes. The gentleman told me that he was an attorney for the Church of Scientology, and would like to get a statement from me.

At that time, I told the gentleman that I would give no statements until I find out what is going

on, until I check with my attorney and find out if I should give a statement, or wait until I get approached, or by a Court Order, if I get a summons to give a deposition.

Q And after you went through the family to finally reach Tonja by phone, following this gentleman's visit with you, the first thing she told you, as I noted down on your direct examination, was that she said she is suing the church for millions of dollars, is that correct?

A Yes, but she didn't name a price.

Q She said millions of dollars?

A She filed suit against the church, and that her attorney will be in touch with me, if they need me for anything.

Q And the main complaint from that conversation was that she was somewhat unhappy with the degree of education she received?

A Yes. The main thing from that conversation was that I chewed her out for not letting me know what was going on before somebody comes and bangs on my door, and wants to start asking me all kinds of questions about something I knew nothing about.

Q What did she say when you chewed her out?

A That she was very sorry, but she was

going to notify me in the next few days to let me know, and I said, "That was a little late."

Q Did you ask her, "What are you doing with yourself at this time?"

A I asked her if she had a job, and she said, "No."

I asked her if everything was working out okay for her --

Q What did she say?

A She said that everything was fine, and that it was going to be better after this big court thing was over with, but other than that, that is all she said.

Q What did you understand her to mean when she said that?

A That there was nothing drastically wrong, I guess.

Q Everything was fine, but she gave you the impression that after this lawsuit was over, things would be better?

A Yes.

Q Earlier you said something about the whole family, her whole family getting on the boat.

A Yes.

Q Is that what you understood it to be?

A Yes.

Q That is when you were about 20?

A Arthur, Cathy, Danny and Tonja, the four of them were going to take a trip with the Church of Scientology.

Q Did you ask her at all about the place that she had been to on this boat, or anything about the boat trip?

A Let me see.

The only thing I can remember was one place she had told me she went, that it was very, very pretty, and if I have a chance, to go there.

I can't remember the name of the place --

Q Did you come away with the impression that she had enjoyed her time on this boat?

A I came away with no impression at all, really.

Q I might have misunderstood you, but which family member was it that you said wrote you -- did Tonja write you all during the time that you had --

A No one wrote me a letter at all, except my mother.

MR. GOLDFARB: That is all the questions I have.

MR. OPCINT: Just a couple of questions for the church of Florida --

MR. LOGAN: I continue to object on the panel-type discovery.

MR. LAWSON: One second, please.

We are finished.

MR. ORCUTT: No questions.

MR. LOGAN: No questions.

You have the right, if this is typed up, which it probably will be, to read and sign the deposition.

You can't change any answer, you read it for proofreading purposes.

Essentially, you can waive that right, that is your choice.

THE WITNESS: Go back to the last part.

MR. LOGAN: Whether or not you want to come down here and read the deposition if it's transcribed, essentially to proofread it, or you can waive --

THE WITNESS: Essentially, I have just -- I told the truth, you know, I guess I will waive it, I guess.

(Whereupon, the deposition was concluded.)

STIPULATION

It is hereby stipulated by and between appearing counsel and the witness that the reading and signing and notice of filing of the foregoing deposition be, and the same are, hereby waived.

AND FURTHER DEPONENT SAITH NOT.

CERTIFICATE

STATE OF FLORIDA)
) SS.
COUNTY OF BROWARD)

I, ERIC A. BUAY, a Registered Professional Reporter and a Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing deposition was taken before me at the time and place therein designated; that the deponent was by me duly sworn; that my shorthand notes were thereafter reduced to typewriting under my supervision; and the foregoing pages 1 through 50, are a true and correct record of the testimony given by the witness.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

WITNESS MY HAND AND SEAL this 7 day of 1981, in the City of Fort Lauderdale, County of Broward State of Florida.

Eric Buay

Registered Professional Reporter
and
Notary Public, State of Florida at Large
My commission expires: 9/8/81.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

* * * * * *

CHURCH OF SCIENTOLOGY OF CALIFORNIA, ETC.,

PLAINTIFF,

VS.

CASE NO. 78-2053-RMT

PAULETTE COOPER,

DEFENDANT.

PAULETTE COOPER,

COUNTER-CLAIMANT,

VS.

CHURCH OF SCIENTOLOGY OF CALIFORNIA, ETC.,

COUNTER-DEFENDANT.

VOLUME VII

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

PAULETTE COOPER,

PLAINTIFF,

VS.

CASE NO. 81-681-MC

CHURCH OF SCIENTOLOGY OF BOSTON, INC., ET AL.,

DEFENDANTS.

Border Exhibit A
2-W 4-22-82

DEPOSITION OF TONJA CATHERINE BURDEN

DATE: THURSDAY, APRIL 22, 1982

TIME: 10:00 A.M.

LOCATION: OFFICES OF FREE LANCE COURT REPORTERS, INC.
915 EAST BONNEVILLE AVENUE
LAS VEGAS, NEVADA 89101

REPORTED BY: LAURIE WEBB, C.S.R. NO. 50
COURT REPORTER - NOTARY PUBLIC

Burden Exhibit A
4-22-82

Q IS THE WORD MESSAGE IN PARAGRAPH 7 YOUR WORD? IS THAT A WORD YOU CHOSE?

A SEE, I DON'T WRITE ANY OF THIS STUFF UP. MY ATTORNEYS DO THAT BECAUSE I'M NOT -- WHAT'S THE WORD? LITERATE ENOUGH TO DO IT.

MR. HOFFMAN: BY THE WAY, HAVE YOU READ PARAGRAPH 5, MR. ROTH? DOES THAT HELP YOU AT ALL?

MR. ROTH: YES, I'VE READ PARAGRAPH 5.

MR. HOFFMAN: OKAY. I JUST WANT TO MAKE SURE. YOU SEEM TO BE SOMEWHAT CONFUSED.

Q (BY MR. ROTH) CALLING YOUR ATTENTION TO PARAGRAPH 8 --

A YES, CARRIED NUMEROUS MESSAGES.

Q YOU SAID -- YOU STATE "I CARRIED NUMEROUS MESSAGES BETWEEN HUBBARD AND OTHERS CONCERNING PAULETTE COOPER."

A I CARRIED THE TELEXES.

Q WHAT MESSAGES ARE YOU REFERRING TO?

A TELEXES AND STUFF LIKE THAT WOULD BE WHAT IT'S REFERRING TO. ALL THE TELEX COMMUNICATION AND STUFF.

Q TELEXES ABOUT PAULETTE COOPER? WHAT KIND OF TELEXES?

A NOT ABOUT PAULETTE COOPER. I GUESS OPERATION FREAKOUT, WHICH HAS TO DO WITH PAULETTE COOPER.

Q ANY OTHER TELEXES ABOUT PAULETTE COOPER,

11/1/83
JJO

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Attorneys for Defendant and
Counterclaimant Plaintiff
Church of Scientology of California

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JANE LEE PETERSON and RICHARD J. PETERSON, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3259-CBM (KX) MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DATE: February 7, 1983 TIME: 10:00 a.m. COURTROOM: Judge Marshall
CAROL A. GARRITY AND PAUL GARRITY, Plaintiffs, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3260-CBM

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THOMAS JEFFERSON, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-3261-CBM
DANA LOCKWOOD, Plaintiff, v. CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Defendants.	Civil No. 81-4109-CBM
CHURCH OF SCIENTOLOGY OF CALIFORNIA, Counterclaimant Plaintiff, v. MICHAEL FLYNN, THOMAS HOFFMAN, THOMAS GREENE, KEVIN FLYNN, Counterclaimant Defendants.	

"Q. By that mean you mean yes; the answer is yes?

"A. Sure. This guy would lay down his life for LRH [L. Ron Hubbard]: no doubt in my mind."

(Exhibit "A", p. 11, l. 24 - p. 12, l. 2.)

Mr. Peterson stated that other Scientologists, other than Mr. Harvey, also made some of the representations which he has alleged were false. These individuals included Lee Landers, Meryl Woodruff, Steve Thompson and Blank Silverman. (Exhibit "A", pp. 13-18.) With regard to the individuals making these representations, Mr. Peterson testified:

"Q. Did you believe these representations --

"A. Sure.

"Q. -- at the time they were made to you?

"A. Sure, I believed them.

"Q. The people who were making them to you, were they sincere that --

"A. You better believe they were. I don't think -- I don't think I have met, excluding a couple of G.O. members -- and most of the G.O. members are honest, ethical people. They think they are doing the right thing. Most of them are the most wonderful people I have met. They are very nice, polite. They don't commit crimes. They don't harm you. It is a very ethical group."

(Exhibit "A", p. 18, ll. 2-14.)

/ /

Mr. Peterson testified later in his deposition as follows:

"Q. The people you had contact with were all sincere in the representations they made to you?
"A. As far as I know, yes.
"Q. The people on up the line you didn't know because you didn't have contact with them; is that what you mean?
"A. Exactly."
(Exhibit "A", p. 20, ll. 12-17.)

3. The Testimony of Jane Lee Peterson.

Concerning her allegations of fraud, Plaintiff Jane Peterson similarly testified as follows at her deposition:

"Q. Let me ask you a different question. The people who you listed -- Mr. Landers, Woodruff, Hammond, Harvey, and Mary Gay and so on -- who made the representations to you that if you got into Scientology you'd get these various benefits -- did they seem sincere to you at the time that they made these representations?
"A. Do you mean at the time did I think they were sincere?
"Q. Well, that's a good question. Let's start with that one.

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL J. FLYNN Plaintiff	)	
VS.	)	CIVIL ACTION NO. 83-2642-C
LAFAYETTE RONALD HUBBARD a/k/a L. RON HUBBARD Defendant	)	

MOTION TO APPROVE SUBSTITUTED SERVICE
OF PROCESS ON L. RON HUBBARD

Plaintiff respectfully moves that this court approve substituted service of process on defendant. As grounds therefor, plaintiff states as follows:

1. Plaintiff, after diligent search, has been unable to locate defendant.

Since approximately October, 1979, as counsel for other litigants suing defendant, plaintiff has sought to locate defendant in order to serve him with process. These efforts have included the use of constables, investigators, depositions, interrogatories and the filing of In Re Estate of L. Ron Hubbard, #47150 (Riverside Sup. Ct., Calif.), a separate law suit, one of the primary purposes of which was to determine whether defendant was or was not a missing

person. These efforts have been unsuccessful. See plaintiff's Affidavit, paragraphs # 2-4, annexed hereto as Exhibit A .

2. The reason these efforts have been unsuccessful is that defendant has intentionally concealed himself in order to avoid service of process, as is outlined below.

3. Plaintiff has alleged the existence of an agency and a close connection and relationship between the Church of Scientology and defendant. See Complaint, paragraphs #5-9. Yet prior to February, 1983, the Church of Scientology and its attorneys -- and even defendant's attorney -- had stated that the present address of defendant is unknown, that they know of no means of communicating with him and that the Church of Scientology of California has not communicated with defendant since February, 1980. See Order of Judge Krentzman, denying Attorney Alan Goldfarb's motion to withdraw a counsel for defendant and Affidavit of Attorney Julia Dragojevic, annexing correspondence from Attorney Lawrence E. Heller of Lenske, Lenske, Heller & Magasin annexed as Exhibits B and C respectively.

4. Two Federal District Courts, including this Court, have ruled that defendant has intentionally concealed himself in order to avoid service of process and accordingly have allowed

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Attorneys for Respondent
MARY SUE HUBBARD

FILED
RIVERSIDE COUNTY

JUL 19 1983

WILLIAM E. CONERLY, Clerk
By C. Johnson C. Johnson
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

In re the Estate of L. RON HUBBARD.	Case No. 47150 ORDER OF CONTEMPT

The contempt proceedings against Ronald E. DeWolf, Wilkie Cheong and Michael J. Flynn came regularly for hearing by the court on July 8, 1983, pursuant to the order to show cause issued by this court June 13, 1983. Citees Ronald E. DeWolf and Michael J. Flynn were represented by Wilkie Cheong who also appeared on his own behalf. Evidence, both oral and documentary, having been received and considered, the matter having been argued and submitted, and good cause appearing therefore,

IT IS HEREBY ADJUDGED, ORDERED AND DECREED as follows:

1. With the concurrence of counsel for respondent, the contempt charges against Ronald E. DeWolf are dismissed.

2. Upon the request of counsel for respondent, the contempt charges against Wilkie Cheong are dismissed.

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3. Michael J. Flynn is guilty of contempt of court for failure to obey the order of this court made on December 16, 1982 in that he knew that the foregoing order prohibited disclosure of information obtained through discovery in this proceeding to attorneys representing parties involved in litigation against Mary Sue Hubbard, L. Ron Hubbard or any Scientology organization, that he had the ability to comply with the foregoing order and willfully disobeyed the foregoing order by (a) making such information available to counsel for defendant in Church of Scientology v. Armstrong, No. C 420153 and (b) making information available to counsel involved in Nebraska State Court litigation involving the Church of Scientology.

It is further adjudged, ordered and decreed that Michael J. Flynn is to be punished for the foregoing contempt by a fine of $250.00, said fine payable within 30 days of the date of this order. Pursuant to agreement at the July 8 hearing, service of a copy of this order upon Wilkie Cheong will be sufficient service upon Mr. Flynn.

DATED: JUL 19 1983

J. David Hennigan
JUDGE OF THE SUPERIOR COURT

NOEL E. MANOUKIAN
CHIEF JUSTICE
SUPREME COURT OF NEVADA

October 24, 1983

Rita Thompson
Church of Scientology of Nevada
846 E. Sahara Ave.
Las Vegas, NV 89104

Dear Rita:

I hope that this letter finds you and your family in the very best of health and spirits.

I want to thank you very much for your booklet "The Way to Happiness." It carries some very interesting, thought provoking and valuable information. An old friend of mine, John Brodie, the former starting quarterback for the San Francisco 49'ers, and now a television commentator covering a number of National Football League games, has been rather pervasively involved with the Church of Scientology for a number of years. He has been very gratified by that experience.

Thank you for keeping me in mind.

Sincerely,

NOEL E. MANOUKIAN

NEM:lr

New Mount Pleasant Baptist Church

11400 South Hoover Street
Los Angeles, California 90044
Rev. M. M. Merriweather, Pastor

Church 779-0384

L. POWELS
CHAIRMAN OF DEACON BD.

M. DORTON, CORR. SECY.
C. OLIVER, SECY.

September 23, 1982

Church of Scientology
Monty Dixon
1306 No. Berendo
Los Angeles, California 90027

Dear Monty:

You've been a friend to me and my church when things were really tough. During those times you have provided me with information on Scientology that helped me to resolve my problems. I am very impressed with how the Scientology organization is run and when I use what you show me it works for me too.

When I was in Clearwater I had some counseling and saw a machine that helps find words and I'm looking forward to my congregation finding out about this new Scientology information.

I hope the leadership workshop leads to a series of fund raisers for our church.

God bless you and keep you.

In faith,

Rev. M.M. Merriweather
Pastor

MMM:jkg

Daily Globe News

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Randy Earles

'I was doing grass (marijuana) and booze all day every day. It was nearly a full-time occupation'

— Randy Earles



Genie Earles

Scientologists promote 'drug-free' life

By KEITH ERVIN
Staff Reporter

A "drug-free life" is the goal of the Church of Scientology's Drug Education Week.

Among those promoting the week, which starts Monday, are Randy and Genie Earles of Auburn.

The Earleses describe the church-sponsored drug week as "non-denominational" and say a Tuesday night forum is intended to fight drug abuse — not to recruit new Scientology members.

Seattle police officer Doug Aardahl will speak on "The Northwest Drug Scene," and author John Duff will talk about "Handling Those on Drugs from Addiction to Living a Life without Drugs."

National education director

Duff, co-author of *The Truth about Drugs*, is the national drug education director for the Scientology-sponsored organization, Narconon.

The Tuesday forum begins at 7:30 p.m. in the Pacific Ballroom of the Seattle Hilton Hotel and Sixth Avenue and University Street.

The Church of Scientology is engaged in what it calls an "international war against drug abuse." In addition to street drugs, the church is particularly critical of the $854 million worth of psychoactive drugs prescribed yearly by doctors and psychiatrists.

Genie Earles, a polio victim who has gone through numerous back operations, says she became dependent on prescription pain-killers and tranquilizers.

"A lot of that does stay with you in your mental and emotional processes," she says. "That fogs you up. The main way I've been helped has been getting rid of those drugs.

'Purification rundown'

"I didn't really notice the effects of the drugs — some of these are subtle — until I did the purification rundown."

The "purification rundown" is a Scientology program for ridding the body of drugs which are believed to remain in the tissues long after the user stops taking them. Purification includes the use of vitamins, exercise and sweating to remove the drugs.

Since purging her body of drugs, says Mrs. Earles, her thinking has become clearer and she has been able to learn to drive. Before purification, "I didn't feel like I was in control enough to drive a car."

Her husband Randy was more of a recreational drug user. "I was doing grass (marijuana) and booze all day every day. It was nearly a full-time occupation," he recalls.

Drugs 'totally alien'

"Since then I've totally stopped. Now the idea of doing drugs is totally alien. My idea now is just to live life. From my viewpoint, drugs are a withdrawal from life."

Overcoming the "numbness" of drug use brought about other changes for Randy Earles. Before getting off drugs, "I wasn't involved in any public activities. Now my concern for what's going on is tremendous."

LAS VEGAS SUN Friday, July 23, 1982

Church hosts drug education week

In support of the Church of Scientology's international war against drug abuse, the Church of Scientology of Nevada is hosting a "Drug Education Week" the first week of August. All the activities of the week are designed to inform citizens of Las Vegas truthfully and accurately of the consequences of taking drugs.

Estimates of the amount spent on illicit drugs alone in the U.S. range as high as $200 billion a year. According to the Federal Alcohol, Drug Abuse and Mental Health Administration, nearly 25 percent of high school students have tried cocaine, while 33 percent of high school seniors have used amphetamines. One national study showed that 60 percent of high school seniors reported illicit drug use.

"Our work has shown that education is a key factor in the prevention of drug abuse," said Rita Thompson. She cited the work of John Duff and Gene Chill, authors of the popular book, "The Truth About Drugs," as examples of Scientologists who are very serious about raising public awareness on the subject of drugs.

Duff has talked to more than 40,000 students, teachers and parents about drug abuse, refraining from horror stories and scare tactics and concentrating on the documented effect of what specific drugs can do to the human body.

L. Ron Hubbard in late 1979 developed a "Purification Program" which has since been completed by tens of thousands of persons all around the world, with close to 300 having participated in the program in Las Vegas.

"In the research on the Purification Program," Thompson said, "Hubbard found that certain chemicals became lodged in the fatty tissues of the body and can remain there for years, continuing to affect a person years after the drug use has been stopped or the chemical exposure has occured.

"Continued use or exposure increases the amount of buildup in the tissues."

St. Louis Globe-Democrat
LIVING Section B
Monday, February 28, 1983 — Pages 1-6



St. Louis native Amanda Ambrose

She keeps singing by aiding youth

Amanda Ambrose interrupted career to help others learn

By BRENDA MURPHY
Globe-Democrat Staff Writer

Listen up, Mayor Schoemehl. Amanda Ambrose wants to compliment you.

"The mayor is making the city beautiful again. I'd like to thank him for taking care of my home," said the native St. Louis singer, who made her professional name in the early 1960s performing with Harry Belafonte.

Miss Ambrose, 57, who now lives in Toronto, returned to St. Louis recently to give a "voice technology" seminar at the Chase-Park Plaza Hotel similar to the ones she has conducted in Paris, Stockholm and Copenhagen.

"The problem for most people is they're not aware that the voice is air-controlled by muscle," explained Miss Ambrose, who, through her seminars, shares the voice-training exercises she embraced when, at one point in her career, she "lost the top" of her voice.

Although the singer, whose style includes everything from gospel to jazz, blues and rock, insists she doesn't teach anyone how to sing — "I just help them sing better" — she feels compelled to share the knowledge that helped her achieve success.

"I found it not enough just to be able to perform, but to help others to perform," she explained. "I want to perform the rest of my life. By helping others, it kind of buys me that right."

MISS AMBROSE'S professional career began in the 1940s with performances at the old Victorian Club in St. Louis, and included such milestones as her film debut in 1953 in "The Snows of Kilimanjaro," acting performances at Chicago's Gate of Horn Theatre in the early '60s, a two-year tour with Belafonte beginning in 1963 and a critically acclaimed performance at Carnegie Hall in 1966. In 1980 she was nominated with Frank Sinatra and Stevie Wonder as Entertainer of the Year by the National Academy of Concerts and Cabaret Arts.

But even when Miss Ambrose was riding the crest of her popularity, she never forgot the importance of serving others — a lesson learned from her father, the late Dr. Herman D. Ambrose, a St. Louis podiatrist and community activist, and mother, Pearl Keith Ambrose, 91, who still lives independently in the city.

"My parents are my inspiration," said the performer, who, as a student at Vashon High School, was organist and assistant director of music at the Metropolitan A.M.E. Zion Church. "Their contribution to their society was selfless. They taught me to live life with integrity and honor. That's difficult to do as a performer."

Miss Ambrose, a follower of "Dianetics," a mental health vogue started in the 1950s by science-fiction writer L. Ron Hubbard, founder of the controversial Church of Scientology, believes performers have to have high ethics in order to be able to create.

THAT COMMITMENT to ethics led the singer to sidetrack her performing career several years ago.

As a divorced mother of five, Miss Ambrose joined other parents patrolling her children's school in 1968 to keep out drug pushers. It was during one of those patrols that she came across an 11-year-old boy writhing on a floor with a needle hanging from his arm. He died in her arms.

"That baby dying in my arms made me make a commitment. I had to make sure it wouldn't happen to another child," said Miss Ambrose, who interrupted her career in 1971 to head "Applied Scholastics," an educational program designed to teach children how to study. "It is what I felt I had to do to correct the destruction of education. Because if a person can't have an education, then he has no tools to reach his goals. And we are talking about dreams. We're talking about a dream coming true."

MISS AMBROSE'S own dreams for the future include appearing in a Broadway musical, learning computerized music, performing with three of her grown children in an "Ambrose Family Tour" and recording an album to be released next year. (Past releases include "Live at the Village Gate" and "The Amazing Amanda Ambrose" for RCA, "Amanda" for Dunwick Records and "Laughing" on the Bee Gee label.)

But her career plans won't stop her educational efforts. Miss Ambrose is supporting an "Applied Scholastics" program in Zaire and hopes to start a school of her own to teach music, dance, acting and career administration, possibly in Toronto, she said, so she can be near her two grandchildren.

"My purpose has to do with helping people in this society become more aware of the fact they can create and to the degree they become willing to create, they become less willing to destroy," explained Miss Ambrose.



BILL WELSH
President and
Chief Operating Officer

July 14, 1983

Mr. L. Ron Hubbard
C/O Celebrity Centre
5930 Franklin Avenue
Hollywood, CA 90028

Dear Mr. Hubbard:

On behalf of the Hollywood Chamber of Commerce, I am pleased to extend our congratulations on the success of Celebrity Centre and its continuing impressive growth. This is just one of the many facets of your activities that are centered in Hollywood and all of which contribute impressively to the growth of a community that means so much to both you and me.

I am always pleased when someone who has benefited from the opportunities offered by Hollywood in turn makes a commitment to give something back to the community. All of us are well aware of the important part you played in the development of Hollywood in previous times. Now we are indebted to you for continuing your affection for Hollywood and your decision to offer opportunities for artists to lead more productive lives. Your support of activities that help to counteract the drug problem has been of great value to Hollywood.

Please accept my wishes for continued success with your many involvements.

Sincerely,

Bill Welsh
President

BW:lm

6290 Sunset Boulevard ■ #525 ■ Hollywood, California 90028 ■ (213) 469-8311